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Situation of human rights in Burundi

Note by the Secretary-General*

The Secretary-General has the honour to transmit to the General Assembly the interim report on the human rights situation in Burundi which the Special Rapporteur on the situation of human rights in Burundi, Marie-Thérèse A. Keita-Bocoum has prepared pursuant to Commission on Human Rights resolution 2001/21 of 20 April 2001 and Economic and Social Council decision 2001/256 of 24 July 2001.

* In conformity with section III, paragraph 10, of General Assembly resolution 55/222, this report is being submitted on 17 September 2001 so that it will contain as much updated information as possible.

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Annex

Interim report of the Special Rapporteur of the Commission on Human Rights on the human rights situation in Burundi

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I. Introduction

1. In accordance with resolution 2001/21, adopted by the Commission on Human Rights at its fifty-seventh session, on 20 April 2001, the mandate of the Special Rapporteur on the human rights situation in Burundi was extended by one year and its gender-specific dimension was maintained. This interim report, covering the period from 1 February to 31 August 2001, is being submitted to the General Assembly under that mandate. It is based on the fourth mission to Burundi carried out by the Special Rapporteur from 5 to 14 July 2001.

2. During this second visit, the Special Rapporteur had the opportunity to meet representatives of the diplomatic corps, the heads of United Nations agencies in Burundi and representatives of civil society, including members of women's associations, trade unions, youth groups and human rights organizations, and representatives of universities and religious communities.

3. In Butezi, Ruyigi province, the Special Rapporteur visited the displaced persons' camp, the prison and the Shalom House for disadvantaged children and those orphaned by war and HIV/AIDS. She visited households headed by children in that town. She also held talks with the governor of the province, the deputy attorney-general and the bishop of Ruyigi. In Bujumbura-Mairie she visited the Kinama district, the scene of violent clashes last February between armed groups and the military.

4. The Special Rapporteur thanks the President of Burundi and all the leaders that she met, who, through their availability and assistance, enabled her to carry out this mission. She wishes to congratulate the Director of the Office of the United Nations High Commissioner for Human Rights in Burundi (OHCDHB) and his entire team for the efforts made to prepare for and ensure the success of her mission and to express all her gratitude to them for the attention that they had accorded to her throughout her stay.

5. The mission took place at a time of significant developments with regard to the Arusha Agreement on Peace and Reconciliation in Burundi. The Special Rapporteur was informed in an objective manner about recent developments in the general situation in Burundi, the human rights situation and, in particular, the situation of women and children. In this interim report to the General Assembly, she will give an account of those changes and the observations and recommendations that derive from them.

II. General situation

6. The general situation concerns the political situation, with which developments in the peace process and the economic and social situation are linked.

A. Political situation

7. The political situation continues to be influenced by the climate of widespread insecurity which affects all the provinces to a greater or lesser degree, with the exception of the northern province of Ngozi. Note should be taken, moreover, of the interruption of transport and fishing on Lake Tanganyika and of a lack of security owing to the permeability of the borders with the Democratic Republic of the Congo and the United Republic of Tanzania. Indeed, armed violence has increased since the Special Rapporteur's previous visit, although a relative calm has prevailed since June, particularly around the capital. Nevertheless, one year after the signing of the Arusha Agreement, it cannot be said that the war in Burundi has diminished in intensity, despite the fact that tensions between the various political actors sometimes appear to be less pronounced. Overall, there has been little change in the security landscape, and Bujumbura-rural, Makamba and Rutana remain the areas of conflict and high risk.

8. On 10 January 2001, the President of Burundi, Pierre Buyoya, held a meeting in Libreville with the leader of the rebel group Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD), Jean-Bosco Ndayikengurukiye, on the initiative of President Omar Bongo of Gabon and in the presence of the late Congolese President Laurent-Désiré Kabila. This surprise meeting was assessed in various ways by Burundian political actors and observers.

9. During the first two weeks of March 2001, the Kinama district in the northern part of the capital was the scene of heavy fighting between the national armed forces and the armed rebels of the Forces nationales pour la libération (FNL). The government forces put down the rebellion at the cost of dozens of dead and

injured, thousands of persons displaced, and houses, schools and clinics destroyed. This huge FNL offensive took place in the wake of serious dissension within the principal armed group, which led to the ouster of its historic leader, Kabura Cossan, and his replacement by his chief deputy, Agaton Rwasa, who was viewed as more radical.

10. The clashes between soldiers and rebel groups in Bujumbura-rural, in the central, southern and eastern parts of the country, intensified throughout the month of March, notably in the provinces of Makamba, Rutana and Bujumbura-rural. These territories are reported to be under the control of the army during the day, while at night the armed groups hold sway. The Special Rapporteur was informed of a change in the conduct of the belligerents towards the civilian population, in that civilians allegedly are targeted only when they are being punished for any collaboration with the rebels or the military. Nevertheless, the population continues to suffer from forced displacement in the combat zones and from looting in the areas near the Tanzanian border. This latest fighting drew the attention of the Secretary-General and of the Security Council, both of whom vigorously condemned the attacks and called for their immediate cessation.

11. New insecure areas were created following attacks by FNL and FDD rebels in the provinces bordering on the Democratic Republic of the Congo and the Kabira forest, in addition to rebel activities in Bujumbura-rural, Mwaro, Bururi, Makamba, Cankuzo and Rutana.

12. The increase in the number of recruits and in the number and quality of weapons on both sides confirmed that the positions of the belligerents had hardened. Recruitment has been stepped up through the use of younger and younger soldiers and the formation of militias, whose members, as the Special Rapporteur was able to observe in Butezi, often appear to be under 18 years of age. Self-defence and the arming of civilians have expanded. In this new stage of the conflict, the Burundian armed forces seem to be gaining the upper hand, but there is no way to tell which of the parties will prevail over the other.

13. The Burundian Government has taken a number of steps to fortify or expand its security system. A solidarity fund was established to meet the security costs. Moreover, the civilian self-defence policy encouraged by the Government, which has enabled civilians to be trained in weapons handling, has spread to most of the northern, southern, eastern and central provinces. In some provincial localities, armed civilians, generally selected among youths ranging from 14 to 25 years of age, are virtually organized into militias under the orders of the local government and even the military administration. They are used as scouts or porters and are either former rebels or rural youths. Mention has been made of the numerous abuses and acts of extortion committed by these militias. The Special Rapporteur has learned that these vigilantes have a tendency to exact payment from civilians, whom they often subject to fines or forced contributions.

14. On 18 April 2001, there was an attempted coup d'état led by a group of young officers belonging to the Gatumba (Bujumbura) military garrison, at the very moment when the Head of State was holding an official meeting in Libreville, with the FDD leader, under the auspices of Gabonese President Omar Bongo and with the participation of South African Vice-President Jacob Zuma. A judicial commission of enquiry was established by the Government several days after the events to clarify the circumstances surrounding them. This coup attempt, in addition to other events, such as the arrests of political leaders and the paralysis in decision-making at the political, economic and judicial levels, heightens the impression of instability.

15. The political situation in Burundi is also closely linked to that of the countries in the Great Lakes region, and it seems clear that the unfolding crises in those countries will no doubt have an impact on Burundi. Indeed, there has been an ongoing "interlocking" of the various countries of the Great Lakes region in the internal conflicts convulsing them, making the problem of the permeability of borders a constant source of insecurity. It seems that the implementation of the Lusaka agreements prompted many of the armed groups to move to the eastern part of the Democratic Republic of the Congo, Burundi and the United Republic of Tanzania.

16. The situation on the Tanzanian border is being undermined by violations on both sides. It is reported that rebels from the United Republic of Tanzania crossed the border to steal cows from Burundi and that Burundian soldiers went into the United Republic of Tanzania to recover those cows. Subsequently, the soldiers were given instructions to avoid yielding to provocations.

B. Developments in the peace process

17. There were no significant developments in the peace process between January and July 2001. Many bilateral and multilateral meetings were held in order to move forward with implementation of the measures that had been taken, especially on two key issues: leadership during the transition and the ceasefire. However, they did not lead to any major changes.

18. A large Security Council mission visited Burundi on 23 May 2001. This delegation, which consisted of 12 ambassadors and was headed by the French ambassador, Jean-David Levitte, held meetings with the country's most senior officials, including the Head of State. The mission also met with all signatory parties to the Arusha Agreement.

19. Furthermore, on 15 May 2001, in implementation of the Peace Agreement, the Head of State appointed a technical commission responsible for drafting the legislation envisaged in the Arusha Agreement. This commission, headed by the Minister of Human Rights, Institutional Reform and Relations with the National Assembly, has 10 members.

20. On 10 July 2001, in Pretoria, the stalemate which had characterized the peace process since January was broken by an announcement of proposals by the Facilitator, Nelson Mandela. The proposals met with varied reactions from politicians, armed groups and representatives of civil society. According to this plan, the presidency will be held by current-President Buyoya, representing the pro-Tutsi G-10 group, and the Vice-Presidency by Domitien Ndayizeye, representing the pro-Hutu G-7 group during the first part of the transition. The plan was adopted at the regional summit held on 26 February 2001 in Arusha, which also addressed the issue of declaring a ceasefire in Burundi. During the summit, the Facilitator proposed a 36-month transitional period divided into two equal 18-month parts. During the first part, the President would be a representative of the G-10 and the Vice-President a representative of the G-7. The latter would occupy the presidency during the second part of the transition while the Vice-President would be a G-10 representative and the remainder of the Government would be constituted in accordance with the Agreement. The summit and the 19 parties had accepted the Facilitator's proposal. This decision has the advantage of establishing the leadership during the transition, an issue which posed a threat to the political situation. However, it is not clear from subsequent reactions whether it constitutes a decisive step towards peace. Most political figures still see no solution to the ceasefire problem, and the opposition thus far displayed by certain political parties is a source of concern.

21. The heads of State of the Regional Peace Initiative for Burundi adopted Nelson Mandela's proposals on 23 July 2001 in Arusha. President Buyoya and Domitien Ndayizeye accepted and signed a document containing 11 conditions attached to them. That same day, there was an attempted coup d'état, the second of its kind, which strengthened the already obvious sense of political instability.

22. The transition was scheduled to begin on 1 November 2001, leaving three months in which to settle matters relating to its implementation. There are several remaining issues, including dismantlement of the army, the transitional institutions and draft Constitution, the use of foreign troops and provisional immunity.

C. Economic and social situation

23. Economically and socially, Burundi is among the world's three poorest countries. This situation is a result of the war, insecurity and political instability which hinder development. The human rights situation in Burundi is influenced by the constant worsening of economic and social conditions. Poverty has worsened during recent months despite the Government's efforts to combat corruption, fraud and misappropriation of funds. The latest harvest was a good one but, although there was sufficient rainfall during the growing season, the effects of the previous years of drought are still being felt. Consequently, food aid projects had to be implemented and in April 2001, some 60,000 households (approximately 300,000 of the 1 million people at risk of malnutrition) received emergency food rations.

24. Several projects sponsored by the international community are under way or planned, but their implementation is contingent upon the security situation which, at present, is considered detrimental to full implementation of the commitments made by donors at the Paris Conference in December 2000; most of the donor funding granted with a view to boosting economic activity in Burundi has yet to be

released. There is general agreement on the economic assistance to be provided to Burundi but, for the present, the support provided is insufficient to spur significant economic development.

25. The economic situation observed during the month of July seems marked by greater contrasts than was the case in January. The emergency loan from the World Bank and the funds provided by the European Union through the Stabilization Scheme for Export Earnings (STABEX) have been exhausted. Without currency, the economy is in trouble. Several companies and industries have declared bankruptcy and many workers are jobless. On 1 July 2001, the thirty-ninth anniversary of independence, the President of Burundi announced a 10 per cent wage increase for civil servants.

26. As a result of the civil war, the impact thereof and the resulting State dysfunction, disputes over land have worsened considerably in Burundi, where 85 to 90 per cent of the population supports itself through agriculture. The Tribunaux de résidence have always been inundated with such disputes, but the problem of massive population displacement, growing poverty and the anticipated return of the refugees have increased the competition for control of the land. These disputes over land do not necessarily mask a split between ethnic groups, but they could serve to spark social and inter-ethnic violence, particularly once the refugees return. Several ministries are involved in land management, but there does not appear to be any overall land management policy, despite the fact that a combination of unfavourable political, economic and social factors has made coordination in that area urgent for the past eight years.

III. Human rights situation

27. The main human rights violations concern the right to life, to physical integrity and to personal freedom and security. In addition, there are continued violations of the right to freedom of movement and to the freedom to choose one's residence, particularly in the southern and south-eastern provinces, where a portion of the population is still seeking refuge in the neighbouring United Republic of Tanzania. Freedom of opinion and of expression remain an unfulfilled dream for some people or groups and in the great majority of secondary detention centres, overcrowding, ill-treatment and illegal arrest and detention are becoming increasingly common; some people are even held in inappropriate locations such as military or other camps. Similarly, respect for the rights of women and of the most vulnerable groups, including children, are considered of secondary importance; the same is true of economic, social and cultural rights.

28. The civilian population is the primary victim of such violations and women, children and older persons are the most affected. However, thanks to the efforts of the Government, civil society and the international community, there has been considerable improvement in certain sectors; this is proof that many of the parties involved have the will to end this vicious circle.

A. Civil and political rights

1. Violations of the right to life

29. There have been numerous attacks by armed groups followed by strong reactions by the army. The Special Rapporteur has received reports of acts of violence by armed groups and by agents of the State, mostly affecting the civilian population. The crisis also encourages acts of banditry and attacks committed by unidentified persons.

30. In February 2001, the security situation deteriorated seriously and this had repercussions on the human rights situation. For example, the Buterere and Kinama areas were attacked by rebel groups. The bloody clashes in Kinama were a harrowing example and were followed by many others. Several provinces, including Makamba, Ruyigi, Rutana, Bururi, Gitega, Cankuzo and Bujumbura-rural, have seen fighting between rebel groups and the armed forces and there have been many reports of ambushes on the highways.

31. At Kivoga and Tenga in Bujumbura-rural province, the situation relating to mines is increasingly acute. Innocent people have stepped on mines in the area. Some have been killed, others have had their legs amputated.

32. In January and February 2001, most violations of the right to life were committed by armed rebels mainly operating in the south and east of the country and in Bujumbura-rural, and the armed forces reacted violently to these incidents. In March 2001, the rebels stepped up their attacks and fighting with elements of the Government army increased in several provinces

and in the city of Bujumbura; as a result, violations of the right to life increased.

33. The Special Rapporteur's last days in Burundi were marked by a violent attack by the armed forces upon the population in Kanyosha commune. This action, which seemed to be reprisals by members of the forces after one of them had been killed, led to a large but indeterminate number of civilian deaths. When contacted by the Special Rapporteur, the authorities put the death toll at eight, whereas unofficial sources put the figure at several dozen.

34. Violations of the right to life were mostly massacres of civilians carried out by agents of the State and known and unknown armed groups, and attacks upon *collines* or sites for displaced or regrouped persons. Private homes and government and socio-economic infrastructure were destroyed while ambushes and murders were perpetrated on the highways. Such violations were often accompanied by rape and plunder.

Violations attributed to agents of the State

35. On 2 January 2001, in Mutimbuzi commune in the area of Gasenyi, a mine reportedly killed one person and wounded two others, who underwent leg amputations. Local officials contacted by OHCDHB said that the army was laying mines because of the strong rebel presence in the area.

36. On 15 February 2001, a man from Kayanza, whose first name was Matayo, was allegedly arrested in Mugina by a police officer of the commune for not carrying identity documents; he died as a result of brutal treatment. On 25 February 2001, a man named Fulgence was allegedly killed in the neighbourhood of Gitega, in Kinama, by members of the armed forces who suspected him of being a member of the rebel movement.

37. On 7 March 2001, a man named Jean-Marie, alias Rupipi, was reportedly killed by gendarmes in the neighbourhood of Gitega, in Kinama. On 15 March 2001, two members of the armed forces and one civilian are reported to have robbed and killed a man named Kakumba, of Congolese origin, at his home. On 19 March 2001, a man named Bizimana was killed by members of the armed forces in the Kirekura area after he had supposedly refused to show them an arms cache. On 30 March 2001, Gabriel Kabura died as a result of torture brutality inflicted upon him when he was arrested and detained illegally at the police station in the commune of Matana. On 20 March 2001, at Kinyinya in the area of Rukaramu, a woman and her three children aged five years, three years and four months were allegedly machine-gunned by a soldier from the Gakumbu army camp. The mother and the three-year-old child died, and the five-year-old child and the four-month-old baby were wounded. The Special Rapporteur requests that this case be thoroughly investigated; the right to life is the most fundamental of all, and violations of that right are even more appalling when the victims are children or babies.

38. On 10 April 2001, in the Rubirizi area, in Mutimbuzi commune, members of the armed forces killed between 20 and 35 people. The exact circumstances of this incident are unknown.

Violence attributed to rebel groups

39. During the night of 7/8 January 2001, three persons were allegedly killed during an attack by a group of armed rebels upon the *colline* of Murango (Bururi commune, Bururi province). On 22 January 2001, a group of armed rebels attacked the commune of Mpinga-Kayove in Nyakabanda, Rutana province, stealing cows and killing three civilians. On 28 January 2001, also in Rutana province, a minibus was ambushed by a group of armed rebels; a tradesman was killed and five others were robbed of their goods, but the lives of the remaining passengers were saved when the military intervened. On the same day, a civilian was killed and three others kidnapped during an attack by night in the centre of Kayogoro. The rebels also stole about 30 cows.

40. In the course of February 2001, 16 people were reportedly killed and 10 others wounded in the provinces of Bururi, Muramvya, Bujumbura-rural and Bujumbura-Mairie.

41. During the battle of Kinama, which lasted until about 10 March 2001, rebel fighters of the Forces nationales pour la libération (FNL) are alleged to have deliberately fired shells at the nearby areas of Ngagara and Cibitoke and at the university campus at Kiriri, killing two civilians, wounding several others and causing considerable material damage. Eight other persons were reported to have been killed by the rebels in March in the provinces of Makamba and Bujumbura-rural.

42. During the night of 25/26 April 2001, armed rebels reportedly murdered the administrator of Gisagara commune Cankuzo province, and his entire family. Five civilians were also killed by rebels on 21 April 2001 in Cankuzo commune.

43. In May, rebels reportedly killed 50 people and wounded 21 others, including women and children, in various attacks and ambushes. The victims included members of the armed forces, civil servants and persons whose attackers believed them to be working with the administration.

44. All these attacks were accompanied by looting, thefts and sometimes kidnappings of young girls.

Acts of violence by persons unknown

45. During the night of 8/9 January 2001, armed men attacked the Kinama area in Bujumbura-Mairie and shot and killed three persons. The attackers also allegedly looted houses and shops and kidnapped five persons.

46. On 19 January 2001, three civilians were reportedly killed by mines which had been laid on paths in the area of the Kibira forest. On 22 January 2001, a grenade exploded in a displaced persons' camp in the Kanyosha area in Bujumbura-Mairie, killing one person and wounding five others.

47. During the night of 5/6 February 2001, in Bubanza commune, Bubanza province, unidentified persons are reported to have attacked the technical secondary school and killed two persons, one of whom was a student. Two other persons reportedly died in a similar incident.

48. During the night of 21/22 May 2001, four persons were reportedly killed and 16 others wounded during a military operation in the Tenga-Nyabuyegeri sector. On the previous day, two people riding in a van had been robbed and killed by unidentified attackers.

2. Violations of the right to personal freedom and security

49. Several provisions of the new Code of Criminal Procedure are regularly violated, including those relating to police custody and the legally permissible period of pre-trial detention, including in the *cachots*. Despite the provisions of the Code, which state that a person may not be held in custody for more than seven days, unless the Public Prosecutor's office specifically decides to extend the time limit in which case the person may be held for up to twice as long, some detainees can spend several months, if not years, in certain *cachots*. The Special Rapporteur was informed that, notwithstanding the rules of criminal procedure, there were illegal places of detention, including in the military camps, primarily in the areas of insecurity.

50. The Special Rapporteur was informed of the arrest and detention of Sever Nkurikiye and a certain Marguerite at the *cachot* of Bukeye commune in Muramvya province. According to their families, it was the fourth time they had been arrested over a land dispute. The two women are reported to have disappeared following their arrest on 9 February 2001 by gendarmes and members of the military at the instigation of judicial police officers of Bukeye.

51. Nzoronka Aloïs, a health inspector from the Kanyosha area, is said to have been arrested on Saturday 17 March 2001 by gendarmes without an arrest warrant. His family was not allowed to visit him during his detention at the brigade of Kanyosha. According to other reports received, he was tortured.

52. Irakoze Haruna has been detained illegally since June 2000 at the Mwaro military camp. When asked about the matter, the Governmental Commission confirmed that he was being detained at the Mwaro camp. The Special Rapporteur denounces the fact that someone has been held in a military camp — and for 11 months at that — without any investigation being conducted, even though that town has both a prosecution service and a gendarmerie brigade. She therefore demands that Irakoze should be handed over either to the prosecution service or to the gendarmerie for investigation.

53. Ndabarushima Fundi, a 21-year-old resident of the Mubone neighbourhood in the Buterere area, is alleged to have been arrested illegally on 18 March 2001 and then handed over to the military.

54. Pie Masumbuko, a former Burundian Minister, former senior United Nations official and Consul of Burundi in Abidjan, was arrested on 30 March 2001 and detained at the Special Investigations Brigade without being given any reason for his arrest. He was released in the evening but was due to report back the following day for interrogation; he himself informed OHCDHB of his release. Instead of going to the Special Brigade, he sought refuge on the premises of OHCDHB, where Diomède Rutamucero, Chairman of

Puissance d'autodéfense (PA)-Amasekanya, had already been staying for several weeks. Mr. Masumbuko left the Office on Sunday 1 April 2001 after meeting with the Chairman of the Governmental Commission on Human Rights. On 31 March 2001, another opponent of the Government, Alphonse Rugambarara, spokesman of the G-6, was detained by the police when he was leaving a press conference. He was immediately incarcerated at the Mpimba prison on the strength of an arrest warrant issued by the State Public Prosecutor. He is said to have been charged with insulting the Head of State.

55. According to reports, Ntakarutimana Léonidas, aged 18, was arrested 13 December 2000 and has been detained since then. After spending three months in a military camp, he was transferred to the gendarmerie unit of Gatoke. According to his family, he was abducted by rebels from whom he escaped before being arrested by members of the military, who are reported to have reproached him for not reporting to the authorities afterwards.

56. Hakizimana Yasser, aged 22, and a certain Nono are said to have disappeared following their arrest by the market "commissioner" on 14 April 2001 at the Ruvumera market at Buyenzi, probably for theft.

57. The case of Cegetara Audence, a resident of Rutana province, who had already been arrested in 1996 and prosecuted for participating in the 1993 massacres, was brought to the Special Rapporteur's attention. After spending two years in prison, he was released on 30 November 1998 due to lack of evidence. Cegetara Audence is reported to have been illegally arrested again on the same charges and held at the gendarmerie brigade of Gihofi. Such cases seem to be quite frequent. Thus, during her visit to Ruyigi, the Special Rapporteur found other nearly identical cases that she brought to the attention of the Public Prosecutor, who immediately took steps to conduct investigations and have the detainees concerned released.

58. It would appear that on 29 April 2001, two civilian vehicles belonging to the Société Théicole de Taza were attacked by rebel groups. The two vehicles are reported to have been burned and their drivers abducted.

59. On 11 May 2001, a group of rebels probably belonging to the Forces pour la défense de la démocratie (FDD) reportedly abducted six staff members of the non-governmental organization MEMISA-COPED, who were on a humanitarian mission to the commune of Kibago in Makamba province. According to a number of corroborating sources, they were held at a refugee camp in the Kigama area of the United Republic of Tanzania. They were later released.

3. Violations of physical integrity

Torture and ill-treatment

60. Cases of torture in the *cachots* of the different police units as well as in the clandestine places of detention were reported to the Special Rapporteur. Armed groups are also alleged to practice torture. These violations are so widespread that a league against torture has been established and awareness-raising campaigns have been organized by civil society to combat them. During the seminar against torture organized by the Association burundaise pour la défense des droits des prisonniers (ABDP) and OHCDHB, many cases of torture were reported. No action was taken on the majority of complaints of torture.

61. On 8 January 2001, during a visit to the *cachot* of the Special Investigations Brigade, the OHCDHB observers noticed traces of torture on the bodies of Nsabimana Pascal and Nahishaka Isaac, who said they had been tortured by members of the judicial police during interrogation. They were reportedly forced to kneel on beer caps.

62. Jean Rufuente, a militant of the Association burundaise de lutte contre le génocide, is reported to have been held in the *cachots* of the National Registry from 24 to 31 January 2001, under atrocious conditions. To secure his release, he had to pay a fine of FBu 30,000 for insulting the Head of State. In such cases, all the national and international norms concerning arrest and detention should be observed.

63. The Special Rapporteur was informed that Michel Manirakiza, who was arrested on 8 March 2001 and has been held since then at the Kanyosha brigade, had been reportedly tortured.

64. Marc Baradumbwa lodged a complaint against officer Firmin Biraho of the judicial police prosecution service of Ngozi, who is alleged to have tortured him. Several proven cases of torture involving that officer had been reported to OHCDHB. According to some

reports, that officer also tortured a detainee to death while stationed at Kayanza and was transferred to Ngozi as punishment. OHCDHB raised the matter with the Governor and Public Prosecutor of the Ngozi Court of Appeal, but to no avail. The Special Rapporteur requests that an investigation be opened into the behaviour of that officer.

65. The case of Paul Nsanzurwimo, Director of administrative and financial affairs at the Jabé Centre for Handicapped Youth, was brought to the attention of the Special Rapporteur. According to reports, he and his brother-in-law, Emile Masabo, were arrested on 16 March 2001 and illegally detained by members of the military, who subjected them to cruel, inhuman and degrading treatment.

66. Nkurunziza Méthode is reported to have died on 21 March 2001 at Gitega hospital as a result of the serious torture to which he was subjected during his detention in the *cachot* of the Gitega special police of the prosecution services. The fact that the judicial authorities acknowledge that Nkurunziza Méthode was in good health when he was taken into police custody confirms the suspicions that he did not die a natural death.

67. Thierry Mutoré is reported to have been arrested and detained illegally by the special police of the prosecution services of Bujumbura-Mairie for stealing money. According to his family, he was subjected to ill-treatment during his interrogation. The judicial police officer responsible for the matter, who is well known for such practices, did not deny the facts.

68. Torturers enjoy impunity; the punishment for torture, which according to the Code of Criminal Procedure is on a par with the offence of deliberate assault and battery, is not sufficient. No provision has been made for compensating the victims of torture.

69. Several cases of rape have been reported in Kinama, in Bujumbura-Mairie (12 since April 2001, including four in the district of Bubanza and three in Muyinga). During her visit to Kinama, the Special Rapporteur was informed by the Kinama women's association that several women had been raped during the events of Kinama in February and March 2001. In its annual report on the human rights situation,[1] ITEKA referred to 93 appeals in rape cases that had been brought before the regional courts of Burundi during the course of the year.

70. Cases of rape, including the rape of girls, have been reported, particularly in the stricken areas. Other rapes are committed by armed bands on women captured during attacks. Unfortunately, many cases are not brought to trial. The laws of Burundi provide for 10 to 20 years' imprisonment for rape, or even more if there are aggravating circumstances. Most often, however, the guilty go unpunished. No doubt social and other pressures explain the fact that victims or their parents often accept out-of-court settlements.

4. Internally displaced persons

71. The total number of internally displaced persons is estimated at 500,000. Of these, 379,000, half of them children, are distributed in 210 different locations. To these figures must be added 200,000 persons who did not return home after the regroupment camps were dismantled, for reasons relating to security concerns and health care. Most of these people are in the southern and south-eastern provinces. These regions are very remote, which gives rise to concern about the living conditions of the people who have gone there. In some cases, insecurity in the *collines* has forced the people to remain where they are. Living conditions are difficult, especially for widows, older women and the many children, who often live in an intolerably precarious state, suffering from disease, malnutrition and the cold. Managing these sites is a challenge to the international community.

72. People have been displaced as a result of the large-scale operations conducted by FNL rebels and of the confrontations between the military and rebel groups, such as those which occurred in Kinama, Bujumbura-Mairie (approximately 54,000 were displaced) in February and March 2001, and the acts of violence committed by rebels in Ruyigi province in April and in Muzinda in May 2001 and by the military in Kanyosha (around 5,000) in July 2001. In Kinama, the displaced persons, who were absolutely destitute, were distributed among four different sites. The Special Rapporteur visited these locations and was able to assess the extent of the damage. Houses, stores, health centres, schools, the market and a church where the rebels had taken refuge were completely destroyed by submachine-guns and shells.

73. An ad hoc group which includes OHCDHB was set up to assess the situation of displaced persons in Kinama.

74. The Special Rapporteur was informed of the human rights situation in the displaced persons camp in Gihangwe (Bubanza province) which she had visited during her previous mission. It was reported that the lieutenant in charge of the military post at the camp and his men had been conducting racketeering operations involving the people in the camp. On Saturday 7 April 2001, a resident of the camp named Mayogoro was killed, in front of his family and other displaced persons, by a member of the military post named Kayitare; this was done on the orders of Lt. Banteyamanga, the chief. No one has been punished.

75. In addition, the displaced persons allegedly endure many acts of violence and are subjected to forced labour by the military. Some are said to be planning to leave the camp in order to escape the abuse. The Ministry of Defence should take strong action to put a halt to these practices, and an enquiry into the murder should be opened.

76. In the provinces where the rebels are in control, the people still do not have free access to their fields. This could eventually lead to famine and malnutrition.

77. On 7 February 2001, the Minister of Human Rights and the representative for humanitarian action signed an agreement on the protection of displaced persons. However, given the escalation of attacks on humanitarian personnel and the growing insecurity, consideration should be given to taking steps to protect the staff, by guarding vehicles and reinforcing escorts.

5. The refugee situation

78. A total of 406,294 Burundian refugees have been assisted by the United Nations High Commissioner for Refugees (UNHCR). Most of these are in the United Republic of Tanzania, but some are in the Democratic Republic of the Congo, Rwanda and Zambia. To these must be added 200,000 refugees from the 1970s, who have become partially integrated in the United Republic of Tanzania. In April 2001, 8,418 of these refugees returned on their own initiative. Burundi has 28,277 refugees from neighbouring countries, mostly the Democratic Republic of the Congo. Implementation of the Lusaka and Arusha Agreements could lead to a massive return of refugees, which would test the plans for action and strain resources for implementation.

6. Freedom of movement and freedom to choose one's residence

79. On 12 February 2001, OHCHR met at the Special Investigations Brigade (BSR) with Anna Cécile, Asbawa Usmani, Lutanda Mayembe, Mateso Albert, Chindano Issouf, Birange Justin, Ngoma Francois and Mpoyo Idi Bili, eight Congolese refugees who had been arrested the week before and who belong to the Mouvement national congolais-Lumumba (MNC/L). The BSR Commander had asked them to sign, as a condition for their release, a statement whereby they would undertake to refrain from political activity in Burundi. They had refused to sign. On 13 February 2001, five of them were expelled to Uvira, an area controlled by the Congolese rebels, where their lives would be at risk. The other three were to follow two days later. This expulsion is surprising, given that these individuals could have been brought before the prosecution service in Bujumbura, tried, and if found guilty, sentenced and jailed, since they had committed offences in Burundi. Their expulsion was in violation of existing domestic and international rules on the matter.

80. In May 2001, three of these men were re-arrested in front of the International Committee of the Red Cross (ICRC) offices. They were detained illegally at the public security police *cachot* in Bujumbura. This action by the Government of Burundi is inconsistent with article 3 of the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, which it has ratified. This Convention stipulates that a refugee shall not be forcibly expelled to a country where his/her life, physical integrity or freedom would be in danger.

81. On 25 May 2001, another 105 Congolese nationals were expelled to the Congolese border by the administration of Rumonge. They were not allowed to take their belongings with them and no consideration was given to the fact that expulsion might put their lives at risk.

7. Violations of freedom of opinion and expression and of assembly

82. The media have encountered many problems, including difficulty of access to information, censorship and intimidation. A reporter for Radio Publique Africaine was beaten, and Jean Pierre Harerimana, of Reuter's, was harassed by police.

Gabriel Nikundana and Abbas Buzumutima, two reporters for Bonesha, a private radio station, were arrested on charges of sympathizing with the enemy following an interview in March 2001 with the FNL spokesman. They were released a few days later, on Friday 16 March 2001, after paying a fine of FBu 100,000. The arrest of M. Nikundana is illegal, as it constitutes a violation of the Code of Criminal Procedure, the decree-law on the press and article 19, paragraph 2 of the International Covenant on Civil and Political Rights.[2] The Special Rapporteur requests authorities to respect the work of the media so long as it is in compliance with domestic legislation and international law.

83. The law on the press includes some highly restrictive provisions. These actions limit the sources of information available to the population and could be detrimental to the search for peaceful solutions. The meagre resources available to the media represent another obstacle to freedom of the press.

84. A number of violations of freedom of assembly have been brought to the attention of the Special Rapporteur. The situation in question arose in May 2001, in connection with the participation in meetings and press conferences of the party leaders belonging to the pro-Tutsi G-8 group, which supports Col. Epitace Bayaganakandi, a former candidate for the presidency of the transition government. Since the G-8 group is made up of officially recognized political parties that are involved in the Arusha peace process, the action taken by the authorities is clearly a flagrant violation of freedom of expression, a right that is recognized both by Burundian law and by the international texts of which Burundi is a signatory.

8. Violations of the right of trade unions to function freely

85. According to trade union officials, trade union freedom is not respected. They cite cases of arrest, arbitrary assignment, improper dismissal, violation of the right to strike, arbitrary detention and violation of freedom of expression and of assembly.

86. The Special Rapporteur was informed of the arrest of Idelphonse Ndagijimana, Secretary-General of the Office national des télecommunications trade union and a militant of the Parti pour le redressement national. He was arrested as part of the enquiry into the attempted coup d'état of 18 April 2001. He was detained at the Special Investigations Brigade (BSR) and, according to his family, remained without food for several days because his family was not permitted to deliver it to him directly. OHCHR contacted BSR but was not permitted to see him. Mr. Ndagijimana is currently being held in the Mpimba central prison. His detention since 21 April 2001 is illegal because he has yet to be brought before a judge in accordance with article 72 of the Code of Criminal Procedure. The trade unionists considered that his detention was intended to limit exercise of his trade union rights.

9. Violations of the rights of persons deprived of their liberty

87. The situation of persons deprived of their liberty continues to improve slowly thanks to the reforms of the justice system, the improvement in the conditions of detention in some prisons and the support of the Government, human rights associations and humanitarian organizations. However, in spite of everything, numerous irregularities persist.

Prisons

88. On 16 February 2001, the population in the prisons of Mpimba, Gitega and Ngozi was as follows: 6,337 detainees, of whom 4,641 (73.2 per cent) were awaiting trial and 1,669 had been sentenced. The corresponding percentages were 58.34 in Mpimba and 89.4 in Ngozi.

89. In May 2001, the total prison population in Mpimba was 2,585 — 2,525 men, 60 women, including 76 minors, and 12 infants. Of these, 1,085 had been sentenced — 285 of them to death. In Gitega, the total prison population was 1,630, of whom 447 had been sentenced (6 of them to death), plus 16 minors. In Ngozi, the number of detainees in the men's prison was 2,243, of whom 224 had been sentenced; the remainder — 90 per cent — were awaiting trial.

90. At the time of the Special Rapporteur's visit, there were 270 detainees from Ruyigi and Cancuzo in Ruyigi prison, although it was initially intended to hold 100. The prison's capacity was increased in 1993. The breakdown of detainees is as follows: 1,005 awaiting trial (5 of them women), 163 who have been sentenced (4 of them women), 2 infants, 5 minors (1 of whom has been sentenced), and 3 foreign detainees (1 of whom has already been sentenced); 99 per cent of these detainees are illiterate and destitute, and most are

detained for aggravated theft. Some of the detainees are the victims of irregularities. Some have spent two years without appearing before a judge; others — minors — have been handed down disproportionate sentences. For the most part the minors are not receiving visits from relatives because of the distance or because they are war orphans.

91. The total number of detainees is estimated to be about 9,000, of whom more than 75 per cent are untried. The judicial system overall still has insufficient material and human resources. The positive development in prison detention conditions, with a fall in the number of detainees and an increase in the past few months in the number of those sentenced, continued during March 2001. This development is the result of increased awareness on the part of the authorities. It is also the encouraging result of cooperation between the OHCDHB and the Burundian authorities. But there are still too many detainees who have been waiting years to be brought before the courts. The large number of those who are ill is to be explained by overcrowding, malnutrition, under-nourishment and inadequate health care. The improvements reported in the prisons in Mpimba, Ngozi, Ruyugi and Gitega are due mainly to appreciable assistance from ICRC.

92. The Special Rapporteur was informed of the case of Minani Ryazimbere, who has been in prison for almost 20 years and must be one of the oldest inmates of Mpimba prison. In an amnesty his sentence was commuted to 20 years' imprisonment. In view of his age, his state of health and the time he has already spent in prison (19 years), a conditional release of Minani Ryazimbere could be considered on humanitarian grounds.

93. Particular attention must also be given to the Ngozi men's prison where the very high number of men awaiting trial (90 per cent) indicates that the legal situation of detainees is moving much more slowly than in the other prisons.

94. Furthermore, it is reported that in mid-May 2001, the Burundi League for Human Rights (ITEKA) informed the authorities of Mpimba central prison that a number of those awaiting trial could be released on bail.[3] It is alleged that some 33 persons are eligible as the offences they are charged with are punishable by no more than five years in prison and because, as at the time of the ITEKA investigators' visit, they had spent more than one year in detention (nine of them had spent two years).

Other detention centres

95. In certain areas, brigade and police jails, despite the lack of human and material resources, efforts are being made to implement the new Code of Criminal Procedure correctly. The various provincial prosecution departments are making similar progress. However, in all too many others, the efforts being made are of a more timid nature or even non-existent; in those cases the number of detainees remains extremely high. Torture and ill-treatment continue to be practised on a regular basis. Furthermore, the majority of detainees are held in police custody for longer than is legally permissible. For example, on 11 April 2001, in the Special Investigation Brigade jail, 12 out of a total of 32 detainees were in that position. On 13 April 2001, there were 39 detainees in the Bujumbura public security police jails, of whom 11 were in that position, despite the fact that the prosecution service had visited just the day before and had said that 19 detainees could be released.

96. In many jails, for example, the one in Buyenzi area, conditions are deplorable: they are very poorly ventilated, damp and the stench is intolerable. In these cases, it would be desirable for detainees to receive a rapid hearing so that they could be released or transferred to other police jails or to prison.

97. Further, it is necessary to monitor pre-trial detentions so as to avoid irregularities in the functioning of the justice system. The Code of Criminal Procedure is often circumvented by holding individuals for successive periods of seven days. The time period can be further extended by transferring the detainee from one prison to another. Finally, some jails, notably those of the Special Investigations Brigade, are very difficult to access.

10. Children's right to special aid and assistance

98. In Burundi, children are drawn into conflicts. In fact, young people — men and women — from the age of 14 and sometimes younger ages receive so-called civic training in order to learn to defend themselves against the rebels. (The Special Rapporteur noted above that he attended one of these training sessions, which resembled military training and was conducted by the military.) They are called guardians of the peace

and are often used to carry supplies or weapons and to run errands. On the rebel side, it seems, the same phenomenon is to be found.

99. These young people, who for the most part have little experience in handling arms, inevitably become "human shields" during fighting. Also, malnourished but armed, they are not only victims but also perpetrators of violations by virtue of the acts of violence they commit.

100. Another phenomenon is the disturbing number of street children (6,000) and orphans. There are also children who are heads of families. The proportion of children who do not go to school has reached 40 per cent. Young children who, in the absence of shelter, share their mothers' prison cells is another disturbing phenomenon.

101. There are between 100 and 150 children in prison;[4] many of them spend two years in prison without their detention being confirmed or are sentenced to disproportionate terms, while for others the authorities have not even opened a file.

11. Women's rights

102. Women make up 52 per cent of the population. They are the most active members of the population in the rural areas, since most of the men are either fighting or dead. Furthermore, they have no right to inherit although they are responsible for the bulk of the production. They bear the brunt of the responsibility for raising the children, and they perform numerous activities for development. Women are the most affected by conflict. They are subject to numerous violations, and they do not have equal access to health care and education. Girls have limited access to education as they have to stay at home to work in the fields. Luckily the number of girls who do go to school is growing.

103. Several cases of domestic violence and rape during attacks by rebels and soldiers have been noted but they seldom come before the courts because of social and other pressures.

104. In a study of the legal status of Burundian women, which it published in May 2001, the Burundi Association of Women Lawyers compiled an inventory of gaps in the law and laws which treat women unequally; the study noted, among other things, the absence of legal texts on inheritance, matrimonial regimes and gifts. It also noted inequalities in the Nationality Act, the Labour Code of July 1993, the General Code of Imposts and Taxes of May 1990 and the Bankruptcy Act of 1934.[5]

105. The status of women has not undergone any significant development since my last visit to Burundi in July. The bill on inheritance and matrimonial regimes has still not been presented to the Council of Ministers and the hopes for the imminent creation of a structure that would embrace all women without distinction as to ethnicity, religion, social class or region have yet to be realized.

106. There are, however, a few bright spots in an otherwise rather gloomy picture. On 29 January 2001, the President of the Republic issued a decree appointing magistrates to head a number of courts, prosecution services and investigation services and appointed the first-ever woman Government Procurator, in Gitega. The Ministry for Social Action and the Advancement of Women has launched a project entitled "Support the promotion of gender equality", which seeks to remove the institutional, material and financial barriers to the advancement of women; the project has received the support of the United Nations Development Programme and the United Nations Development Fund for Women.

12. Violations of the rights of the Batwa minority

107. The situation of the Batwa minority deserves particular attention, but is unfortunately not yet receiving such attention. The Batwa currently account for about 1 per cent of the population. This minority has not participated in any of the discussions about or attempts to find solutions in Burundi, even though it has proportionally just as many victims as other groups. The Twa live in the background, without access to government services and particularly to education and health services, and they participate very little in political decision-making (there is only one Twa representative in the National Assembly).

B. Economic, social and cultural rights

108. War and economic crisis are resulting in violations of economic, social and cultural rights, especially the right to health, housing, adequate nutrition and education. The many forced displacements, the looting of homes and property and

the frequency of attacks often make it impossible for parents to secure the welfare of their families. Moreover, the authorities cannot at present safeguard the economic and social rights of the poorest people. For these groups foreign aid, however inadequate, becomes the only way to survive.[6]

109. Vulnerability is at its highest among these groups, which include street children (5,000) AIDS orphans (230,000), children orphaned by the war (25,000), child heads of households (5,000), and minor children in prison (200). There are also 10,000 unaccompanied Burundian children among the refugees in the United Republic of Tanzania.

110. However, there has been a reduction in cases of malnutrition, which fell from 100,000 in March 2001 to 68,000 in May, and a relative decline in endemic diseases such as malaria (which fell from 340,000 cases in March 2001 to 239,000 in May 2001). This improvement is due to the good harvest.[7]

1. The right to health

111. Access to health care is also restricted by the absence or inadequacy of social insurance, the destruction of health facilities, the shortage of medical and paramedical personnel and the high cost of treatment and medicines.

112. The prevalence of HIV/AIDS and the number of those affected has increased as a result of the war, poverty and the lack of training and information. Women have also become more vulnerable to the disease. Treatment is beyond the reach of most of them, and especially for women without partners, who already have to bear the cost of running a household.[8] This situation is causing concern, and the lack of an effective policy on treatment and prevention may have serious economic and social consequences. There is now a free and anonymous tracing programme, and this should help to improve prevention.

113. Cases of malaria have fallen off, but the disease is still widespread, and the steps taken to control it still fall short of what is required.

114. Many of the health professionals whom the Special Rapporteur has met say that the cost of treatment in public health facilities has been underestimated[9] and that this has brought about a reduction in the range of treatments available in these establishments. International assistance in the area of health care has resumed, but is not very widespread.

2. The right to education

115. Education is one of the best routes to promote and safeguard human rights. Such education must be carried on in families and in the appropriate establishments. Since the social fabric has been torn, families are having difficulty in fulfilling their educational role. The same is true of society at large. Schools are now the only institutions able to give effect to the right to education.

116. However, the armed conflict and the economic crisis have had a negative impact on schools, and the right to education has been seriously affected as a result. Levels of school enrolment have fallen because of the destruction of school equipment and infrastructure, the shortage of teachers, the frequent large-scale displacements of population and the increase in the school registration fee, or "minerval", to which various other charges are added. In some schools pupils have dropped out because of illness and food shortages.[7]

117. Burundi has 6,000 students in higher education. Following an intensive school attendance campaign in primary and secondary schools during the 1980s, and because of the shortage of qualified teachers, higher education has had to absorb an increasing number of students, not all of whom have received adequate preparation. Private universities have been set up, but the hopes placed in them have not been realized, for lack of teaching staff. The solution would be to train university level trainers, who in turn could train qualified secondary schoolteachers, but it would take 10 years to remedy the situation.

C. The justice system and a State based on the rule of law

118. Little has changed in the judicial system since the Special Rapporteur's last report to the General Assembly.[10] In some areas, there has even been a marked slowdown, if not a regression. Admittedly, new provisions have been added to the Code of Criminal Procedure promulgated in January 2000, to improve the operation of the judicial system. These relate to the new statute for the judiciary, introduced in February 2000, the law on the procedures and operation of the

Supreme Council of the Judiciary, promulgated on 29 June 2001, and the new statute for assistant judges, as well as draft regulations for the legal profession.

119. Taken together, these reforms should ensure greater independence for the judiciary and the justice system. But these sectors are still prey to corruption, lack of resources, insecurity and pressures and interference of various kinds. The operation of the justice system is also hamstrung by the many resignations of judges, concerned that the implementation of the Arusha Agreement may have an adverse effect on their careers.

120. The result is tremendous overcrowding in the prisons as a result of the upsurge in the number of pre-trial detainees, especially those associated with the 1993 crisis, in spite of all the efforts made to improve prison conditions. Sentences are sometimes disproportionate, especially in the case of minors, and there are gaps in the administration of justice (lack of defence counsel and inordinately lengthy court procedures, owing to repeated failures by witnesses and civil claimants to appear in court).

121. By contrast with previous years, this year the Criminal Chambers, which are competent to try crimes committed during the 1993 events, have held only one plenary session, and in July the itinerant sessions they were scheduled by the Ministry of Justice to hold in 2001 had still not begun. The extra-sessional activities of the Criminal Chambers have continued normally, with legal support from the Office of the United Nations High Commissioner for Human Rights. In total, the three Criminal Chambers have dealt with 155 cases; they have handed down only 20 judgements (12 per cent) and have deferred about 88 per cent of the cases to a later date. The majority of those convicted, 12 in all, or 60 per cent of the total, were sentenced to death or life imprisonment. Seven people, or 35 per cent of those convicted, were released. An improvement took place in the number of cases heard by the courts when the sixteenth session of the Criminal Chambers began on 21 May 2001.

122. Since January 2001, the justice system has made little progress. The lack of momentum is due to the political climate, which is influenced by the developments in the peace process, but also to the desperate lack of resources in the courts, in spite of the efforts made to provide them with material and human resources. There has been a drop in the numbers of those released on parole, although 50 prisoners aged over 70, and about 20 minors, have been released. The itinerant sessions were suspended because of the lack of security.

123. The smooth operation of the justice system is put at risk by the frequent adjournments caused by the non-appearance of civil claimants and witnesses, and the disruption of transport for lawyers working in the field. At Bujumbura, out of 11 scheduled hearings, only seven were actually held, because one member of the bench was not available. Steps have been taken by the Ministry of Justice to ease overcrowding in the prisons, including prison inspections and the strict enforcement of the new Code of Criminal Procedure in order to put an end to arbitrary or prolonged detention during the pre-hearing stage, and these measures should be encouraged. Steps should also be taken to monitor criminal hearings through the programme of itinerant and regular sessions of the Criminal Chambers.

124. The Legal Assistance Programme (LAP) of the OHCDHB continued to operate effectively during February, with contributions from national lawyers working in the three criminal courts (Bujumbura, Gitega and Ngozi), and from the team working on the programme. During January 2001, a training seminar on the international human rights instruments was organized for military judges. The lower level judges, and the prison warders, have also been given training.

125. The work of the LAP lawyers and the training courses for judges are continuing to have a positive impact on the promotion and defence of human rights. Trials are conducted with greater regard for the law, and life imprisonment or part-time prison terms are increasingly taking the place of death sentences. However, it is a matter of regret that capital punishment is still in force in Burundi, in spite of the efforts of OHCDHB to encourage the authorities and the judiciary to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at abolishing the death sentence,[11] and to revise the Penal Code.

D. Human rights promotion and education

126. The Governmental Commission on Human Rights, created on 11 May 2000, officially began functioning on 25 April 2001. Its entire membership is

made up of representatives of the President of the Republic, the two Vice-Presidents and six Ministries including the Ministries of the Interior and Defence. The decree creating the Commission gives it a wide mandate. However, it does not meet the basic requirements, demanded of national human rights institutes, namely a founding constitutional or legislative text, independent appointment procedures and a pluralist and representative membership. Moreover, its ineffectiveness when faced with specific cases brought to its attention would seem to suggest that it is having operational and/or resources difficulties. Finally, it is not clear what role it will play in the universe of already existing human rights structures.

127. It is, however, encouraging to note that there is a greater awareness of the need to respect and promote human rights in the country. Seminars, training sessions and days of reflection have been organized with the support of OHCDHB, other United Nations agencies, the Ministry of Human Rights and human rights associations. It should be noted that a second children's festival was organized by the United Nations Educational, Scientific and Cultural Organization (UNESCO) and by OHCDHB from 19 to 21 January 2001; 600 children, including children attending and not attending school, participated. Days of reflection on the theme of "Establishment of a culture of peace in Burundi" were held under the auspices of the UNESCO chair in peace education at the University of Burundi from 5 to 7 March 2001, in collaboration with OHCDHB. On 25 and 26 April 2001, a seminar/workshop was held in the context of the promotion of women's rights, on the topic of violence against women during periods of conflict. The workshop was organized by the Burundian section of the Women's International League for Peace and Freedom (WILPF). Finally, training of national human rights observers began on 21 May 2001, with the session topic being investigation techniques for places of detention.

IV. Observations

128. The situation of the Burundian population has not improved a great deal and has even worsened in certain areas. The population's greatest hope is for peace; all rights other than the right to life are, in the final analysis, of lesser importance. Any measures which contribute to peace will be well received but until the Arusha process clearly points the way to peace, the peoples attitude towards it will be mixed.

129. The human rights situation has not improved a great deal since January 2001. In order to reverse that trend and promote greater respect for human rights, measures must be taken to lessen the impact of the four factors that contribute to human rights violations: war; the deteriorating economy and declining production; inadequate education and training; and social pressures and the influence of tradition on behaviour. Reducing the number of violations and lessening the frustration level will contribute to the prevention of conflict and the establishment of a genuine rule of law in Burundi.

130. It might therefore be desirable to find new solutions for peace or at least for achieving a truce which will allow the armed groups to join in the negotiation process. That alone would reduce the number of victims of the conflict and would create the conditions for a march towards peace and allow the population to join in the peace process.

131. The Arusha process as it currently stands has led to progress even if some failings have been identified and certain reservations expressed. It has the merit of having brought the majority of the political class together around an agreement and has led to the designation of the transition leadership. There remains the issue of the ceasefire which requires negotiations between the transition Government and the armed groups. Movement in that direction must come fairly quickly, otherwise the achievements of the first phase could be compromised. The result might be renewed and bloodier conflict, with the belligerents on all sides adopting much more radical positions.

132. During her mission the Special Rapporteur was informed that the Government had taken measures to ensure that persons under 18 years old were not recruited into the army. That measure must actually be applied, by everyone and must be extended to the police because those young people, armed, inadequately trained and with no guarantees for their future, could pose a real threat to civilians and an obstacle to peace.

133. Much has been done for human rights promotion and education by the Government, civil society and the international community, in particular OHCHR. Yet behaviour and the results of those efforts do not always meet the expectations or reflect the commitments and investments made. As a result the chances of creating a

truly civil society currently seems slim given the influence that ethnic, social, regional and political differences and even gender can have on behaviour.

134. Increased awareness of human rights issues in Burundian society and the improvement that has been observed in the field of justice can be explained by the efforts made by all those involved (OHCHR, bilateral cooperation, Ministries of Human Rights and Justice, humanitarian and human rights organizations and associations). The Special Rapporteur thanks five Burundian human rights associations, the Burundian League for Human Rights (ITEKA), the Collective of Burundian Women's Associations and Organizations, the Association of Women Lawyers, the Abakenyezi Duhagurukire Iterambere and the Burundian League for Children and Young People for their submission and encourages other human rights associations to follow their example.

135. The transition period which is now beginning and implementation of the Agreement require continuous and strengthened efforts in the areas of monitoring, protection and promotion in order to prevent human rights violations and to guarantee a lasting peace. To achieve that objective Burundi must develop its own human rights capabilities. Support from OHCHR will continue to be necessary to help it reach that goal and to plan for the establishment in the near future of a national human rights institution. OHCDHB must make further efforts to support associations and take a greater interest in matters relating to women's and children's rights as well as economic, social and cultural rights.

136. Women are increasingly aware of the role that they should play in society, in particular in urban areas. Their participation as permanent observers in the Arusha negotiations and the proposals made by their delegation are proof of that awareness. There are several women's associations which are working for women and peace, but they are limited by economic factors and political prejudice. Peace is essential so that the fight against discrimination and quality of which women and children are victim can finally begin.

V. Recommendations

137. In the hope of helping to improve the human rights situation in Burundi, the Special Rapporteur reiterates the recommendations already made in her reports to the Commission on Human Rights and the General Assembly[12] and reinforces them with further recommendations to the parties to the conflict, the Burundian authorities and the international community.

A. To the parties to the conflict

138. The Special Rapporteur supports the facilitation team in its efforts to advance the peace process, in particular the most recent measures to extricate Burundi from the political impasse and lead it along the path to peace.

139. Since peace currently is a sine qua non for safeguarding human rights in Burundi and the best guarantee of sustainable development in the interests of all concerned, the Special Rapporteur urgently invites all the parties to the conflict to overcome their antagonism and to do all they can to achieve peace through negotiated solutions thereby placing the interests of the Burundian people above all others.

140. The Special Rapporteur earnestly entreats them to respect the people's right to life and the right of children not to be subjected to violence and to protect them from torture and other cruel, inhuman or degrading punishment or treatment. She urges them to comply with the provisions of international humanitarian law and to avoid the destruction of civilian infrastructure (schools, health centres and water points).

141. The Special Rapporteur condemns the belligerents' use of children during armed conflicts. She therefore strongly recommends that the ban on the recruitment into the army of young people under the age of 18 be implemented and extended to the police force; since many young people under 18 are currently recruited, police officers are inexperienced. She urges armed groups to do likewise.

142. In order to foster a climate of peace, she recommends that the belligerents not yield to the temptation of encouraging civilians, especially young people, to acquire weapons.

B. To the Burundian authorities

143. The Special Rapporteur commends the Burundian civilian, administrative, political, judicial and even military authorities for the efforts made to bring

Burundi closer to peace. She is, however, worried at the emphasis placed on self-defence and arming of civilians and invites all Burundians to stop dwelling on what their deficiencies are and to focus instead on what they have in common.

144. In order to address the issues of temporary immunity and impunity and help advance national reconciliation, she recommends that the commissions provided for in the Arusha Agreement commence work forthwith.

145. In order to further the promotion of human rights and the prevention of conflicts, she earnestly hopes that the relevant provisions of the Arusha Agreement, including those on the ombudsman, will be implemented.

146. The Special Rapporteur condemns all forms of torture or other cruel, inhuman or degrading maltreatment of suspects who, by law, are presumed innocent until a competent court decides their fate. She also considers it unacceptable that victims of offences should be permitted to take their revenge, particularly on detainees who are under police protection. She therefore invites the Burundian Government to adopt more determined action against torture and unlawful detention, especially in military camps. She would also like to remind the authorities that they must respect the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment,[13] which Burundi has signed and ratified. Victims of torture must be able to obtain appropriate compensation within a reasonable period of time.

147. The women of Burundi have already proved their commitment to the quest for peace. Their determination to participate in the Arusha peace process in which they ultimately obtained observer status and the proposals they have made to that end, are evidence thereof. In order to nurture a culture of peace and reconciliation, it would be advisable not only to make the most of their contribution within the family and the community, but also to associate them with the implementation of the Arusha Agreement and encourage them to develop their potential and to participate fully in political and economic decision-making bodies.

148. In order to prevent disputes over land, which are likely to grow in scale with the end of the war, there is an urgent need to devise and take steps to promote land management and to introduce an appropriate Land Code.

C. To the international community

149. The Special Rapporteur appreciates the efforts of the Secretary-General, the General Assembly and the Security Council to enhance the protection of civilians and more particularly the most vulnerable groups — children, women and the elderly — who are victims of the armed conflicts in Burundi and the Great Lakes region.

150. She supports the work of national and international legal and humanitarian associations which have helped to alleviate the plight of victims and persons in custody.

151. She calls upon the international community to persist in its efforts to persuade all the belligerents to abandon their attempts to resolve matters through force of arms and to sit down at the negotiating table.

152. She again emphasizes the need to do everything possible to counter the proliferation of and illicit traffic in arms in this Great Lakes region, which presents so many dangers.

153. In order to further the search for peace in the subregion and prevent conflicts from spreading it would be desirable for the Arusha and Lusaka Agreements to be implemented in a coordinated manner (for example, the provisions on the demobilization and reintegration of combatants). Furthermore, she supports the idea of holding a conference of countries in the Great Lakes region, which would afford the possibility of considering concerted solutions to the problems affecting those countries.

154. In order to build on the achievements of the various negotiations and meetings, it is important to give the efforts of the facilitator, President Mandela, every possible form of support, including the backing of a technical commission.

155. The international community must bring all its influence to bear to make the belligerents understand that they must respect the life of civilians, international humanitarian law and civilian infrastructure and allow the stricken population access to humanitarian relief. Furthermore, they must on no account involve children in the armed conflict.

156. In order to alleviate poverty and help the country to meet its human rights commitments, the Special Rapporteur recommends that donors make available the funds pledged at the Paris Conference in December 2000.

157. In order to enhance the efficiency of OHCDHB in its role of protecting and promoting human rights and assisting Burundi to expand its national capacities in that area, she encourages OHCDHB to continue its policy of awareness raising and oversight of human rights associations, especially those defending women's rights and requests the international community to increase the resources at its disposal.

Notes

[1] Contribution by five Burundian rights associations — Burundian League for Human Rights (ITEKA), the Collective of Burundian Women's Associations and Organizations (CAFOB), the Association of Women Lawyers (AFJ), Abakenyezi Duhagurukire Iterambere (ADI), and the Burundian League for Children and Young People (LIBEJEUN) — to the Report of the Special Rapporteur, Bujumbura, July 2001.

[2] See General Assembly resolution 2200 A (XXI), annex.

[3] In implementation of article 75 of the new code of criminal procedure.

[4] Some 75 per cent of these children are in prison for aggravated theft, and 15 per cent for participation in armed bands.

[5] Contribution by five Burundian human rights associations to the report of the Special Rapporteur on the human rights situation in Burundi, op. cit., p. 18.

[6] Source: United Nations Children's Fund, Burundi.

[7] Source: Office for the Coordination of Humanitarian Affairs, Burundi.

[8] Health insurance contributions are FBu 500 per family per year.

[9] The cost of dual-agent therapy is about FBu 96,000, and triple-agent therapy FBu 230,000, whereas an average civil servant's salary is FBu 30,000.

[10] A/55/358.

[11] General Assembly resolution 44/128, annex.

[12] E/CN.4/2001/44 and A/55/358.

[13] General Assembly resolution 39/36, annex.

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Agenda item 42
The situation in the Middle East

The situation in the Middle East

Report of the Secretary-General*

I. Introduction

1. The present report is submitted in pursuance of General Assembly resolutions 55/50 and 55/51 of 1 December 2000. The General Assembly, in its resolution 55/50, which deals with the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980) of 20 August 1980, called once more upon those States to abide by the provisions of the relevant United Nations resolutions. In Assembly resolution 55/51, which deals with Israeli policies in the Syrian territory occupied by Israel since 1967, the Assembly demanded once more that Israel withdraw from all the occupied Syrian Golan in implementation of the relevant Security Council resolutions.

2. The Secretary-General, in order to fulfil his reporting responsibility under the above-mentioned resolutions, on 27 July 2001 addressed notes verbales to the Permanent Representative of Israel and to the Permanent Representatives of other Member States requesting them to inform him of any steps their Governments had taken or envisaged taking concerning implementation of the relevant provisions of those resolutions. As of 11 October 2001 replies have been received from Belarus, Denmark, Israel, Japan and Portugal. Those replies are reproduced in section II of the present report.

II. Replies received from Member States

Belarus

[Original: English]

1. Belarus, as a member of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, firmly supported resolutions 55/50 on Jerusalem

* The present report is being submitted on 17 October 2001 so as to include as much updated information as possible.

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and 55/51 on the Syrian Golan, adopted by the General Assembly on 1 December 2000 at its fifty-fifth session under the agenda item "The situation in the Middle East".

2. Belarus has been consistently adherent to the compliance by all Member States with the provisions of the relevant resolutions of the General Assembly of the United Nations relative to the character and status of the Holy City of Jerusalem.

3. Belarus condemns the continued occupation of the Syrian Golan in contravention of the relevant General Assembly and Security Council resolutions.

4. Belarus is firmly committed to a peaceful settlement of the Arab-Israeli conflict and calls on the parties to resume the peace process with a view to achieving a just, comprehensive and lasting peace in the region.

Denmark

[Original: English]

The Permanent Mission of Denmark has the honour to inform the Secretary-General that the above resolutions have not given occasion for any reporting on the part of the Danish Government.

Israel

[Original: English]

1. As the Secretary-General is aware, Israel voted against these resolutions, as well as against similar resolutions adopted by the General Assembly in previous sessions. In the light of the urgent need to bring an end to all acts of violence and terrorism in the region and to return to the agreed negotiating process, Israel wishes to place on record, once again, its position on this matter.

2. Israel views the aforementioned General Assembly resolutions as unbalanced documents that threaten to prejudge the outcome of the Middle East peace process. The one-sided approach reflected in these resolutions undermines fundamental agreements reached between the parties, according to which the achievement of a just and lasting peace in the region is possible only through direct bilateral negotiations.

Japan

[Original: English]

Steps taken by the Government of Japan concerning the implementation of the relevant provisions of resolutions 55/50 and 55/51, adopted by the General Assembly on 1 December 2000, are as follows:

A. With respect to resolution 55/50

1. Japan has stated its view on the Basic Law of Israel proclaiming Jerusalem as the united capital of Israel in the statement of the Ministry of Foreign Affairs on 1 August 1980 as follows:

> "(a) The Knesset has recently passed the Basic Law proclaiming Jerusalem as the united capital of Israel. It gives an ex post facto legal approval to the annexation of East Jerusalem, which was occupied by Israel in 1967. Japan cannot recognize such a unilateral change to the legal status of an occupied territory, which is in total violation of the relevant United Nations resolutions;
>
> "(b) The Government of Japan is deeply concerned that such an action would not only deteriorate the atmosphere for the settlement of the Middle East peace problem, but also jeopardize the results of the efforts which have been made for the achievement of peace in this region."

This position has not changed since.

2. Japan believes that issues relating to Jerusalem should be resolved through the permanent status negotiations between the parties concerned, and until such a solution is achieved both parties should refrain from taking any unilateral action relating to the situation in Jerusalem.

3. Japan established a legation at Tel Aviv in 1955 which was made an embassy in 1963, but has never established an embassy in Jerusalem.

B. With respect to resolution 55/51

1. With regard to the passing in 1981 of legislation concerning the annexation of the Golan Heights, Japan issued a statement by the Minister for Foreign Affairs on 15 December 1981 as follows:

> "(a) The Knesset passed legislation which in effect annexes the Golan Heights on 14 December 1981. Japan cannot condone such a unilateral change to the legal status of an occupied territory by Israel, following the annexation of East Jerusalem in July 1980, which is in total violation of international law and United Nations Security Council resolutions 242 and 338;
>
> "(b) The Government of Japan is deeply concerned that such an action would not only impair the atmosphere that exists for the settlement of the Arab-Israeli conflict through peaceful means, but would also heighten tension in the region;
>
> "(c) On this occasion, the Government of Japan reiterates its strong demand that Israel withdraw from all the territories occupied in 1967 as early as possible."

This position has not changed since.

2. Since February 1996, Japan has dispatched 45 personnel to the United Nations Disengagement Observer Force operating in the Golan Heights.

Portugal

[Original: English]

1. Concerning the implementation of resolution 55/50, the position of Portugal regarding the status of the city of Jerusalem has not changed. Portugal does not have a diplomatic mission in that city.

2. Concerning the implementation of resolution 55/51 on the situation on the Golan Heights, Portugal's position remains unaltered.

3. Regarding the implementation of these resolutions, Portugal concurs with the positions of its European Union partners.

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Elimination of racism and racial discrimination

Implementation of the Programme of Action for the Third Decade to Combat Racism and World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

Report of the Secretary-General*

Introduction

1. The General Assembly, by resolution 52/111 of 12 December 1997, decided to convene a World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance no later than 2001. The Commission on Human Rights, in its resolution 1998/26 of 17 April 1998,[1] recommended that the activities of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination[2] be focused towards the preparatory process for the Conference. In conformity with that resolution, the United Nations High Commissioner for Human Rights reorganized the activities of the Third Decade focusing them towards the preparation of the Conference and the Conference itself.

2. The present report, prepared in accordance with General Assembly resolution 53/153 of 9 December 1998, supplements the report submitted by the Secretary-General to the Economic and Social Council at its substantive session of 2001 (E/2001/74) and reflects the activities undertaken during the preparatory process, during the Conference itself and in respect of its follow-up.

3. The report also provides information on the situation of migrant workers and members of their families, as requested by the Assembly in paragraph 7 of section I of its resolution 55/84 of 4 December 2000. Similarly, part of the report responds to the request made by the Assembly in its resolution 55/162 of 14 December 2000, that various events and conferences keep it informed about how they contribute to the implementation of the United Nations Millennium Declaration. Finally, in accordance with paragraph 25 of Assembly resolution 52/111, the report contains proposals with a view to supplementing, if necessary, the Programme of Action for the Third Decade.

* The present report was drafted after the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held from 31 August to 7 September 2001.

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I. World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

A. Preparatory activities for the World Conference

1. Expert seminars

4. Pursuant to paragraph 65 (b) of Commission on Human Rights resolution 1999/78 of 28 April 1999,[3] the Office of the United Nations High Commissioner for Human Rights convened five regional expert seminars as part of the preparatory process of the World Conference. The objectives of the seminars were to:

(a) Discuss issues of racism, racial discrimination, xenophobia and related intolerance of priority concern in, but not limited to, the region concerned;

(b) Advance the complex dialogue on racism and recommend practical solutions;

(c) Encourage people to start thinking regionally about these issues and their solutions;

(d) Raise awareness and tolerance, and share information in the region on the issues of racism and intolerance;

(e) Share best practice in combating racism and related intolerance;

(f) Involve Governments, regional organizations, national institutions and non-governmental organizations, as well as other actors of civil society, in the preparations for the World Conference;

(g) Submit reports to the Preparatory Committee for the World Conference at its second session, to be held from 21 May to 1 June 2001, and to any other relevant national or regional meetings.

5. The following seminars were held:

(a) Expert Seminar on Remedies Available to the Victims of Acts of Racism, Racial Discrimination, Xenophobia and Related Intolerance and on Good National Practices in the Field, Geneva, 16-18 February 2000 (A/CONF.189/PC.1/8);

(b) Expert Seminar on the Protection of Minorities and other Vulnerable Groups and Strengthening Human Rights Capacity at the National Level, Warsaw, 5-7 July 2000 (A/CONF.189/PC.2/2);

(c) Expert Seminar on Migrants and Trafficking of Persons with Particular Reference to Women and Children, Bangkok, 5-7 September 2000 (A/CONF.189/PC.2/3);

(d) Expert Seminar on the Prevention of Ethnic and Racial Conflicts in Africa, Addis Ababa, 4-6 October 2000 (A/CONF.189/PC.2/4);

(e) Seminar of Experts on Economic, Social and Legal Measures to Overcome Racial Discrimination, with Particular Reference to Vulnerable Groups, Santiago, 25-27 October 2000 (A/CONF.189/PC.2/5).

2. Regional preparatory conferences

6. The High Commissioner for Human Rights was called upon to help States and regional organizations, upon request, to convene national and regional meetings in preparation for the Conference. The General Assembly urged specialized agencies and the regional commissions to contribute to the convening of such meetings. The High Commissioner assisted in mobilizing funds for this purpose. The European Commission generously contributed to the holding of the regional preparatory meetings.

7. The following four intergovernmental regional preparatory meetings were held prior to the Conference: European Conference against Racism, Strasbourg, France, 11-13 October 2000 (see A/CONF.189/PC.2/6); Regional Conference of the Americas, Santiago, 5-7 December 2000 (see A/CONF.189/PC.2/7); Regional Conference for Africa, Dakar, 22-24 January 2001 (see A/CONF.189/PC.2/8); and Asian Preparatory Meeting, Tehran, 19-21 February 2001 (see A/CONF.189/PC.2/9).

3. Preparatory Committee

(a) Second session of the Preparatory Committee

8. The General Assembly, in paragraph 25 of its resolution 55/84, requested the Preparatory Committee for the World Conference to develop a draft declaration and programme of action that would be presented at the Conference for final negotiation. The Preparatory

Committee held its second session at Geneva, from 21 May to 1 June 2001. It had before it a document containing elements of a draft declaration and programme of action (A/CONF.189/PC.2/27). Over 600 paragraphs of text were to be negotiated. During the two-week meeting, delegates worked on a draft preamble to the declaration and made some progress in consolidating the remaining draft texts (see A/CONF.189/PC.2/L.1/Add.1).

(b) Third session of the Preparatory Committee

9. To continue negotiations on a draft declaration and programme of action, the Preparatory Committee held a third session at Geneva, from 30 July to 10 August 2001. It reviewed the entire draft declaration and most of the draft programme of action (see A/CONF.189/PC.3/1). Three informal working groups on issues of the past, victims and the Middle East held consultations simultaneously.

B. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

10. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance was held at Durban, South Africa, from 31 August to 8 September 2001. It provided an opportunity for the world to engage, for the first time in the post-apartheid era, in discussions on a broad agenda to combat racism and related issues. Participating in the Conference were 2,454 delegates from 168 countries, including 16 heads of State, 58 foreign ministers and 44 ministers. Representatives of the specialized agencies and United Nations bodies, programmes and relevant mechanisms, as well as intergovernmental organizations and human rights institutions, were also present at the Conference. Accredited were 3,700 representatives of non-governmental organizations and more than 1,342 media representatives. A total of 18,810 participants were officially registered.

11. During its opening session, the Conference was addressed by the Secretary-General; the President of the host country, Thabo Mbeki; the President of the Conference and Minister of Foreign Affairs of South Africa, Nkosazana Dlamini Zuma; the President of the General Assembly, Harri Holkeri; and the Secretary-General of the Conference and United Nations High Commissioner for Human Rights. The texts of the statements will be contained in annex II to the report of the Conference.[4]

12. A panel meeting of 15 heads of State and Government, held on 31 August, set the stage for the plenary debate and the negotiations that guided the work of the Conference. The speakers focused their interventions on three broad themes: recalling past practices of racial discrimination, xenophobia and related intolerance; examining forms of contemporary manifestations of racism; and emphasizing the need to draw on lessons learned to identify concrete and achievable goals.

13. Opening the discussion, the Secretary-General urged the world leaders gathered together at Durban to use their power to convince their respective Governments to put in place constitutional, legislative and administrative guarantees that protect against discrimination.

14. On 8 September, the Conference adopted the Durban Declaration and Programme of Action, which commit Member States to undertake a wide range of measures to combat racism and racial discrimination at the international, regional and national levels. While agreeing with the consensus, a number of delegations recorded their reservations and statements on the Declaration and Programme of Action. The Durban Declaration and Programme of Action will be contained in the report of the Conference.[4]

15. In her closing remarks, the President of the Conference said that, at Durban, a fresh start and new road map had been agreed upon in the fight against racism. Emphasizing that the Conference had set explicit goals for combating discrimination, the High Commissioner for Human Rights said that Durban must be a beginning and not an end, and that there must be follow-up. The goal had been the adoption of a declaration and programme of action that would serve as a blueprint for all nations to promote tolerance and protect all from racial discrimination.

1. Participation of non-governmental organizations

16. In the preparations for the World Conference and during the Conference itself, non-governmental organizations played an important role in helping to define and analyse the issues involved.

17. Networking meetings of non-governmental organizations were held at Warsaw, in November 2000; at Gaborone, in January 2001; at Amman, in February 2001; at Quito, in March 2001; and at Kathmandu, in April 2001. These meetings were of particular importance in assisting non-governmental organizations to prepare for the NGO Forum which met immediately prior to the World Conference. With the assistance of the Office of the High Commissioner for Human Rights, the European Commission and other donors, non-governmental organizations also organized forums prior to, and participated in, the four regional intergovernmental meetings.

18. More than 1,300 non-governmental organizations not in consultative status with the Economic and Social Council of the United Nations were specifically accredited by the Preparatory Committee for the World Conference to participate in the Conference and its preparatory process. Approximately 3,800 representatives from 777 non-governmental organizations took part in the World Conference. A Youth Summit, held on 26 and 27 August, attracted the participation of over 700 young people, and the NGO Forum, held from 28 August to 1 September, brought together over 7,000 representatives from 3,000 non-governmental organizations.

19. A youth declaration and a declaration by non-governmental organizations and programme of action emerged from the two events, and were presented to the Conference. Some 120 non-governmental organizations made statements at the plenary session of the World Conference, urging effective action on behalf of the millions of people across the globe who suffer from a wide array of discriminatory practices on a daily basis.

2. Parallel and associated events

20. During the Conference, 42 parallel events were held at the Durban Exhibition Centre, the Conference site. The list of parallel events and associated activities will be contained in annex V to the report of the Conference.[4]

21. On the opening day of the World Conference, a high-level global compact dialogue on the theme "Discrimination is everybody's business" brought together senior business, trade union, governmental and United Nations leaders to discuss the role of the private sector in combating discrimination and fostering diversity in the workplace and the wider community. In his address to the meeting, the Secretary-General said that the workplace was on the frontline in the fight against racism. He stressed that action to combat discrimination required leadership from the chief executive officer but, equally important, was what happened in day-to-day relations between supervisors and employees, between customers and suppliers, and among colleagues. The participants in the panel agreed that upholding the universal values of equality and human dignity was not only a legal and moral obligation but was also good for business.

22. On 1 September, a multi-stakeholder workshop, a business initiative by the Volvo Car Corporation, brought together 70 representatives from business, local and national government, non-governmental organizations, academic institutions and United Nations agencies to discuss how cross-sectoral partnerships to fight discrimination and promote diversity could be developed at the local, national and international levels.

23. On 3 September, the Office of the High Commissioner organized a panel meeting on the topic "Elements of a global alliance against racism, racial discrimination, xenophobia and related intolerance: roles and responsibilities of the human rights treaty bodies, national human rights institutions and other relevant institutions". The panel recommended the creation of a global alliance since racial discrimination and its consequences were complex and many-sided, and many institutions needed to make their contributions to the eradication of racism.

24. On 4 September, the International Labour Organization and the Office of the High Commissioner sponsored a panel meeting which focused on how companies and trade unions put non-discrimination, affirmative action and policies of employment equity into practice. The importance of linking respect for diversity with the strategic visions of organizations and training programmes for employees was stressed. Panellists agreed that, while legislation against discrimination was in place in many countries, more joint action by business and trade unions was necessary in practice. The World Conference was viewed by all as an important opportunity to develop new partnerships between the public and private sectors to combat racism and discrimination.

25. At a meeting organized by the Inter-Parliamentary Union and the South African Parliament, some 300 parliamentarians from over 50 countries unanimously adopted a declaration in which they expressed their commitment to combat racism. The declaration, while recognizing the particular role and responsibility that parliaments have in the fight against racism, also acknowledges that their members have a personal responsibility to use their influence on public opinion to promote the values of diversity and tolerance.

26. Also among the parallel activities was a three-day conference organized by the United Nations Research Institute for Social Development on the topic "Racism and public policy". The panel brought together researchers from various regions of the world who presented papers on four broad themes: the social construction of race and citizenship; the social dynamics of racism and inequality; organized responses to cultural diversity; and the impact of public policies on race relations.

27. On 5 September 2001, the Joint United Nations Programme on HIV/AIDS (UNAIDS), the Office of the High Commissioner and the World Health Organization held a parallel event on the topic "Exploring the link: HIV/AIDS, stigma, discrimination and racism".

28. Media professionals and Conference participants were invited to attend a meeting on the topic "Racism and the impact and role of media", convened by the Office of the High Commissioner and the United Nations Educational, Scientific and Cultural Organization in cooperation with the International Council on Human Rights Policy and the International Federation of Journalists.

3. Publications

29. During the past year, the Office of the High Commissioner has published a newsletter reporting on the preparatory events held at the international, regional and national levels by Governments, non-governmental organizations, civil society, the media and the World Conference secretariat in preparation for the World Conference. The newsletter also contained articles on topics relevant to the Conference and related issues. The newsletter was sent to all permanent missions, the resident representatives of the United Nations Development Programme and United Nations resident coordinators, United Nations bodies and programmes, national institutions, accredited non-governmental organizations and key media sources.

30. A publication, *Gender Dimensions of Racial Discrimination*, was issued by the Office of the High Commissioner to coincide with the World Conference. The report calls on the United Nations to address discrimination based on both gender and race when it designs and implements its policies and programmes.

31. The United Nations Educational, Scientific and Cultural Organization, in cooperation with the Office of the High Commissioner, prepared a publication, *United to Combat Racism*, as a contribution to the World Conference. It comprises articles written by specialists, analysing the various forms of discrimination and ways to combat them and contains the texts of major universal and regional standard-setting instruments aimed at the prevention and elimination of discrimination.

32. At the opening of the International Seminar on Cooperation for the Better Protection of the Rights of Minorities, held at Durban on 1 September 2001, the High Commissioner launched the *United Nations Guide for Minorities*. The guide contains a series of leaflets with the texts of the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and its commentary, pamphlets and annexes, information on how minorities might make use of human rights procedures within the United Nations system and those established by regional mechanisms in Africa, the Americas and Europe.

C. Follow-up to the World Conference

33. In order to follow up the recommendations of the World Conference and to undertake other related tasks, the High Commissioner for Human Rights decided to establish an Anti-Discrimination Unit at her Office at Geneva. In the Programme of Action, the Conference welcomed the intention of the High Commissioner for Human Rights to establish the unit in order to combat racism, racial discrimination, xenophobia and related intolerance and to promote equality and non-discrimination, and invited her to consider including in its mandate, inter alia, the compilation of information on racial discrimination and its development and on legal and administrative support and advice provided to victims of racial discrimination, and the collection of

background materials provided by States, international, regional and non-governmental organizations and national human rights institutions under the follow-up mechanism for the World Conference.

34. The tasks of the Unit are as follows:

(a) To compile and prepare an annual progress report on the action taken by Governments, national human rights institutions, treaty body organizations, civil society organizations and the international community towards implementing the Programme of Action adopted by the Conference. The report will be submitted to the Commission on Human Rights and the General Assembly;

(b) To compile and produce other reports on the follow-up to the Conference, as and when needed;

(c) To provide support to the group of five independent eminent experts which is to follow the implementation of the Programme of Action, if the proposal of the Conference is endorsed by the General Assembly. While the above-mentioned report is that of the High Commissioner, the group of experts may wish to issue its own commentary on the report and other relevant documents;

(d) To explore the possibility of establishing and maintaining a database of good practice in addressing racism, racial discrimination, xenophobia and related intolerance;

(e) To promote and strengthen active liaison with non-governmental organizations, parliamentary groups, youth and women's groups, trade unions and business groups in follow-up to the Conference and to organize international and regional consultations with them;

(f) To promote and strengthen active liaison with United Nations agencies and other intergovernmental bodies in follow-up to the Conference, to organize consultations with them on a regular basis and to develop and implement joint activities with them;

(g) To initiate and support selected awareness-building projects with national institutions, youth and women's groups, and other interested entities on specific themes and topics relating to the Programme of Action;

(h) To produce and disseminate special reports and publications on the follow-up to the Conference.

II. Information on the situation of migrant workers

35. During the World Conference, representatives of States addressed various issues relating to migrant workers. The final document of the Conference highlighted, inter alia, the importance of eliminating all discriminatory policies and practices against migrants, including migrant workers, with special attention to protecting people engaged in domestic work. Other issues on which consensus was reached included the adoption of measures that would help eliminate racism, racial discrimination, xenophobia and related intolerance in the workplace, and the need to ensure the full equality of all before the law, including labour law. The final document of the Conference also tackled the questions of the participation of migrant workers in vocational training, collective bargaining and trade union activity, among others. Emphasis was also on promoting the recognition of the educational, professional and technical credentials of migrants, with a view to maximizing their contribution in their country of residence. Other substantive issues included the full enjoyment by all migrants of all human rights, including those related to fair wages, and equal remuneration for work and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood. The final document of the Conference also highlighted the importance of implementing laws against practices that endanger human lives or lead to various kinds of servitude and exploitation, such as debt bondage, slavery, sexual and labour exploitation.

36. The Conference also underlined the positive effect of family reunification on integration and called upon States to facilitate family reunion in an expeditious and effective manner, with due regard for the desire of many family members to have an independent status. Furthermore, the importance of ratifying and acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990 was underlined.

37. The Special Rapporteur of the Commission on Human Rights on the human rights of migrants has incorporated the question of migrant domestic workers as a priority into her mandate. In her statement to the World Conference, the Special Rapporteur noted the specific vulnerability of migrant domestic workers to

human rights abuse. She also addressed this issue and numerous others affecting the human rights of migrant workers in her reports to the Commission on Human Rights (E/CN.4/2000/82 and E/CN.4/2001/83 and Add.1), as well as in her written contributions to the World Conference against Racism (A/CONF.189/PC.1/19 and A/CONF.189/PC.2/23, annex). In these documents, the Special Rapporteur highlighted the need to guarantee the effective protection of the fundamental human rights of all migrants, with particular focus on the most vulnerable groups, which include women and child migrants, undocumented migrants and domestic workers.

III. Proposals for supplementing the Programme of Action for the Third Decade

38. In paragraph 25 of its resolution 52/111, the General Assembly requested the Secretary-General to include in his report on racism proposals with a view to supplementing, if necessary, the Programme of Action for the Third Decade. The final document emanating from the World Conference supports and strengthens the goals and objectives of the Programme of Action of the Third Decade, 1993-2003, and provides new avenues for ideas on practical measures to combat racism, racial discrimination, xenophobia and related intolerance.

39. The goals and objectives of the Third Decade, as affirmed by the General Assembly in paragraph 1 of the revised Programme of Action for the Decade (Assembly resolution 49/146, annex) are:

> "... to promote human rights and fundamental freedoms for all, without distinction of any kind on grounds of race, colour, descent or national or ethnic origin, especially by eradicating racial prejudice, racism and racial discrimination; to arrest any expansion of racist policies, to eliminate the persistence of racist policies and to counteract the emergence of alliances based on mutual espousal of racism and racial discrimination; to resist any policy and practices which lead to the strengthening of the racist regimes and contribute to the sustainment of racism and racial discrimination; to identify, isolate and dispel the fallacious and mythical beliefs, policies and practices that contribute to racism and racial discrimination; and to put an end to racist regimes."

40. The Programme of Action adopted by the World Conference at Durban, while following the objectives of the Decade, addresses a wider range of practical issues that could supplement the Programme of Action for the Third Decade. During the remaining two years of the Decade, action could therefore be initiated in the areas below.

Universal ratification

41. The Conference affirmed that universal adherence to and full implementation of the International Convention on the Elimination of All Forms Racial Discrimination are of paramount importance for promoting equality and non-discrimination in the world, and set the goal of universal ratification of the Convention by 2005.

42. The Conference recommended that the Commission on Human Rights prepare complementary international standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects.

Group protection

43. The Conference called upon the United Nations to develop capacity-building programmes intended for Africans and people of African descent in the Americas and around the world. It urged international organizations to address the situation of persons with disabilities who are also subject to racism and racial discrimination. It encouraged the United Nations to promote and make use of the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2, annex), in particular those provisions relating to non-discrimination.

44. The Conference urged international organizations to improve data collection and analysis, to promote research, exchange of experience and successful practice and develop promotional activities in this area, and to develop indicators of progress. It further urged the United Nations to redress the marginalization of Africa's contribution to world history and civilization by developing and implementing a specific and comprehensive programme of research, education and mass communication to disseminate widely a balanced

and objective presentation of Africa's seminal and valuable contribution to humanity.

45. The Conference invited the Office of the High Commissioner to undertake consultations on a regular basis with non-governmental organizations and to encourage research activities aimed at collecting, maintaining and adapting the technical, scientific and information materials produced by all cultures around the world to combat racism.

46. The Conference encouraged the United Nations to cooperate with States in initiating and developing cultural and educational programmes aimed at countering racism. It urged the United Nations Educational, Scientific and Cultural Organization to provide support to States in the preparation of teaching materials and tools.

Migrants

47. The Conference called for the Office of the High Commissioner to provide support to combat discrimination against migrant workers. It requested the Office to pay special attention to violations of the human rights of victims of racism, racial discrimination, xenophobia and related intolerance, in particular migrants and migrant workers, to promote international cooperation in combating xenophobia and, to this end, to develop activities that could be carried out in countries on the basis of appropriate programmes of cooperation.

Trafficking

48. The Conference recommended that the General Assembly consider declaring a United Nations year or decade against trafficking of persons, especially in women, young people and children, in order to protect their dignity and human rights.

Globalization

49. The Conference encouraged international organizations to address those aspects of globalization that may lead to racism, racial discrimination, xenophobia and related intolerance.

Technical cooperation

50. The Conference called upon the Office of the High Commissioner to develop and fund specific technical cooperation projects aimed at combating racism, racial discrimination, xenophobia and related intolerance.

Database

51. The Conference recommended that the Office of the High Commissioner create a database containing information on: (a) practical means to address racism, racial discrimination, xenophobia and related intolerance, including anti-discrimination legislation, as well as legal means to combat racial discrimination; (b) remedies available through international mechanisms; (c) opportunities for technical cooperation; and (d) academic studies and specialized documentation.

Indigenous people

52. The Conference recommended that the Secretary-General conduct an evaluation of the results of the International Decade of the World's Indigenous People and make recommendations on how to mark the end of the Decade, including appropriate follow-up.

Anti-Discrimination Unit

53. The Conference supported the creation, within the Office of the High Commissioner, of an anti-discrimination unit (see para. 33 above).

Eminent persons

54. In follow-up to the World Conference, the High Commissioner is requested to cooperate with five independent eminent experts to follow the implementation of the provisions of the Declaration and Programme of Action. An annual progress report to the Commission and the General Assembly would be part of the follow-up process.

IV. Implementation of the United Nations Millennium Declaration

55. The Declaration adopted by the World Conference at Durban clearly states that, guided by the principles set out in the United Nations Millennium Declaration and the recognition that it has a collective responsibility to uphold the principles of human dignity, equality and equity and to ensure that globalization becomes a positive force for all the

world's people, the international community commits itself to working for the beneficial integration of the developing countries into the global economy, resisting their marginalization, helping them to achieve accelerated economic growth and sustainable development, and eradicating poverty, inequality and deprivation.

56. Furthermore, the measures set out in the Declaration and the Programme of Action adopted at Durban contribute to the achievement of a number of objectives of the United Nations Millennium Declaration: respect for the equal rights of all without distinction as to race, sex, language or religion; respect and tolerance among human beings; the implementation by States parties of human rights laws; strengthening of the rule of law, as well as respect for all internationally recognized human rights and fundamental freedoms; the right to self-determination of peoples which remain under foreign occupation; the implementation of policies and measures at the global level which correspond to the needs of developing countries; strengthening of the principle of tolerance of and respect for others in all their diversity of belief, culture and language; the aim of making globalization fully inclusive; prevention of conflicts; freeing of men, women and children from conditions of extreme poverty; ensuring respect for and protection of the human rights of migrants, migrant workers and their families; promotion of gender equality and the empowerment of women; elimination of the increasing acts of racism and xenophobia in many societies; and promotion of greater harmony and tolerance in all societies.

V. Status of the Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination

57. In paragraph 16 of its resolution 55/84, the General Assembly recognized the need for adequate support and financial resources for the Third Decade to Combat Racism and Racial Discrimination and its Programme of Action. The Assembly expressed its appreciation to those that had made contributions to the Trust Fund for the Programme of Action for the Third Decade and strongly appealed to all Governments, intergovernmental and non-governmental organizations and individuals in a position to do so, to contribute generously to the Fund.

58. The World Conference recognized that the success of the Programme of Action for the Third Decade would require political will and adequate funding and international cooperation. The Conference urged the international community to support the activities of the Third Decade, which concludes in 2003. From July 2000 to October 2001, the Trust Fund for the Programme of Action for the Third Decade received a total of US$ 5,000. In 2001, the World Conference received voluntary contributions of US$ 1,862,622.

VI. Conclusions

59. Doubtless, the most important event during the past eight years of the Third Decade to Combat Racism and Racial Discrimination was the World Conference. The final document of the Conference should show the path for the remaining two years of the Decade, as well as any future action in the struggle against racism, racial discrimination, xenophobia and related intolerance.

60. In her closing statement, the High Commissioner for Human Rights said that a framework exists, that a start had been made, and that that was what counted. She also said that the true measure of our work would be whether it made a real difference in the lives of the victims of racism and discrimination.

61. The Declaration and Programme of Action adopted at Durban provide a series of recommendations for national plans and programmes for tougher anti-discrimination legislation and administrative measures, for universal ratification and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant international treaties, for the strengthening of education, for improving the remedies and recourses available to victims, and much more. In her closing statement, the High Commissioner said that this is where our attention should now be concentrated, and that this is the work we have to do.

62. In order to ensure that these recommendations result in concrete achievements and improvements, the full support of all actors is needed: individuals, non-governmental organizations, international organizations and States alike. Such improvements need resources

and the financial support of those actors, as well as a real commitment of States and a true engagement of individuals. All are important prerequisites in the ongoing fight against racism, racial discrimination, xenophobia and related intolerance.

Notes

[1] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[2] General Assembly resolution 49/146, annex.

[3] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

[4] The report of the Conference will be issued as a United Nations publication (A/CONF.189/12).

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Sustainable development and international economic cooperation: high-level dialogue on strengthening international economic cooperation for development through partnership

Summary by the President of the General Assembly of the high-level dialogue on the theme "Responding to globalization: facilitating the integration of developing countries into the world economy in the twenty-first century"

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I. Background and introduction

1. The present report is submitted in accordance with General Assembly resolution 55/193 of 20 December 2000. In addition to the present introductory section, the report contains the summary by the President of the Assembly of the high-level dialogue, including the two ministerial round tables-cum-informal panels.

2. The renewal of the dialogue on strengthening international cooperation for development through partnership serves as an important mechanism for intergovernmental follow-up to, and assessment of, the Agenda for Development, adopted by the General Assembly in its resolution 51/240 of 20 June 1997 and contained in the annex thereto. The Agenda provided that such a dialogue should also be used as an opportunity to discuss new and emerging issues concerning international cooperation for development.

3. The first high-level dialogue, on the theme of the social and economic impact of globalization and interdependence and their policy implications, took place on 17 and 18 September 1998 (see A/53/529). The General Assembly subsequently decided to hold biennially a renewal of the high-level dialogue to provide impetus for the promotion of international economic cooperation for development (Assembly resolution 53/181 of 15 December 1998). Owing to the holding of the Millennium Assembly of the United Nations at its fifty-fifth session, the Assembly decided to defer the holding of the second dialogue to its fifty-sixth session, without changing the biennial nature of the dialogue (Assembly resolution 54/213 of 22 December 1999).

4. Since the holding of the first high-level dialogue, member States have created a number of forums for a systematic and in-depth discussion of international cooperation for development through partnership. These discussions have increasingly focused on the opportunities and challenges presented by globalization for the integration of developing countries into the global economy, and are now an established part of the intergovernmental process.

5. One of the direct outcomes of the first dialogue was the inclusion in the General Assembly's agenda, as of its fifty-fourth session, of an item entitled "Globalization and interdependence". This action was based on the widely shared desire expressed during the dialogue to continue discussions with a view to developing a coherent and effective response to the opportunities and challenges being offered by globalization and interdependence (see Assembly resolution 53/169 of 15 December 1998). Since that session, the item has provided the basis for intergovernmental discussion and action on the role of the United Nations in promoting development in the context of globalization and interdependence, and on promoting coherence, complementarity and coordination on economic and development issues at the global level in order to optimize the benefits and limit the negative consequences of globalization and interdependence. During the fifty-fifth session of the Assembly, for example, particular emphasis was placed on the technology-led dimension of globalization, and the role of information and communication technologies (ICT) for development. (See Assembly resolution 54/231 of 22 December 1999, and the Secretary-General's report to the Assembly at its fifty-fifth session (A/55/381). The question of ICT was one of two sub-themes addressed in this year's dialogue.) At its present (fifty-sixth) session, the Assembly will address, in particular, the effect of increasing linkages and interdependencies among trade, finance, knowledge, technology and investment on growth and development in the context of globalization (see Assembly resolution 55/212 of 20 December 2000, and the report of the Secretary-General thereon (A/56/445)).

6. The special high-level meeting of the Economic and Social Council with the Bretton Woods institutions has likewise become a critical forum for discussing the promotion of economic and social equity in the global economy, with particular reference to the international financial system and the priorities of growth and development. The first of these meetings took place in 1998, and has since been held annually in proximity to the semi-annual (spring) meetings of the Bretton Woods institutions. The meetings regularly bring together policy makers in the areas of finance and monetary issues, development cooperation and foreign affairs for a dialogue in the Council (see, for example, the informal summary of the latest of these meetings (E/2001/72)).

7. A further strand of intergovernmental discussion on global partnership for development, devoted to the consideration of financing for development, was initiated in 1997. The preparatory process for the

International Conference on Financing for Development has now entered its final stages, with the event scheduled to take place from 18 to 22 March 2002 in Monterrey, Mexico. The question of financing for development was the second of the two sub-themes addressed at this year's dialogue.

8. Lastly, issues of globalization and interdependence are also an integral part of the preparations for the World Summit on Sustainable Development, scheduled to take place from 2 to 11 September 2002 in Johannesburg, South Africa. Preparations are proceeding under the leadership of the Commission on Sustainable Development. The Summit is expected to assess progress made in the implementation of Agenda 21,[1] adopted at the United Nations Conference on Environment and Development in Rio de Janeiro in 1992, and to seek consensus on priorities for further action in new areas or issues. It is also expected to consider the implications for sustainable development of new technologies and of globalization, as well as of the functioning of financial institutions and markets.

9. The format of the first high-level dialogue was a unique innovation in the work of the General Assembly. Since then, the format of combining plenary debate in which delegations state their national positions, with ministerial round tables and informal panels, inter alia, with the participation of non-governmental actors, has proved its value for facilitating interactive dialogues among all key actors in development. Interactive round tables at the highest level were a prominent feature of the Millennium Summit of the United Nations. Ministerial round tables are now a regular feature of the high-level segments of the substantive sessions of the Economic and Social Council, as well as of the Council's meetings with the Bretton Woods institutions.

10. In considering the question of future high-level dialogues, the General Assembly may wish to take into consideration the above-mentioned upcoming events, as well as the ongoing consideration of questions of international cooperation for development through partnership, within the framework of globalization and interdependence, in the regular work programme of intergovernmental bodies, especially the Second Committee of the Assembly and the Economic and Social Council.

II. Overview

11. The second high-level dialogue of the General Assembly on strengthening international economic cooperation through partnership was held against the backdrop of the terrorist attacks on the United States of America on 11 September 2001. These attacks have been a stark reminder that terrorism is a serious threat to international security, peace and development. They revealed the need for greater efforts in the context of broader multilateral cooperation to combat international terrorism in all its forms.

12. The dialogue, originally scheduled to be held on 17 and 18 September, was rescheduled to take place in a somewhat compressed format on 20 and 21 September. Ministerial round tables were combined with the informal panels on each of the two sub-themes. The change of dates, as well as the postponement of the general debate of the fifty-sixth session of the Assembly, also affected the level of participation, inter alia, of non-governmental actors.

13. The theme of the dialogue, entitled "Responding to globalization: facilitating the integration of developing countries into the world economy in the twenty-first century", was considered to be particularly important and timely in the context of the current global economic slowdown, and emphasized the urgent need for poverty eradication strategies. The dialogue deepened the understanding of globalization as a multifaceted and complex phenomenon, and the debates were informative and productive. The issues raised in the dialogue could be useful inputs into upcoming major conferences and meetings, including the World Trade Organization Ministerial Conference in Doha, Qatar; the International Conference on Financing for Development in Monterrey, Mexico; and the World Summit on Sustainable Development in Johannesburg, South Africa, as well as into the follow-up to the Millennium Summit of the United Nations and the regular work of intergovernmental bodies, especially the Second and Third Committees of the General Assembly, and the Economic and Social Council.

14. In general terms, the two-day discussions could be summarized as follows. First, globalization is a reality that must be accepted. While it could be a formidable multiplier of growth and prosperity, it does not automatically translate into more trade and faster growth for all countries, nor does it protect gains

already made. Indeed, existing inequalities both among and within countries have deepened. Second, while the international community has done much to promote the integration of developing countries into the world economy, it must address the legitimate concerns of those that are not yet able to enjoy the full benefits of globalization, and give priority to correcting the imbalances in the international economic system that disadvantage developing countries. Third, in addition to the providing of an enabling environment, vulnerable countries need to be supported through capacity-building in areas such as trade, investment, finance and technology. Additional official development assistance (ODA) and deeper and wider debt relief are critical for the poorest countries. Fourth, the benefits of ICT must be harnessed and directed towards the long-term, comprehensive development of developing countries to ensure their successful integration into the global economy. Fifth, globalization is an interactive process that needs to be harnessed and directed, as its benefits are also the result of policy choices. Sixth, because of their low per capita income and particular vulnerabilities, the least developed countries, small island developing States, landlocked and transit developing countries and African countries should be the focus of attention of the international community. Seventh, since all countries are affected by globalization, they should all be able to engage in a more participatory governance at national, regional and international levels.

15. It was generally agreed that the United Nations was uniquely placed in respect of providing the normative policy framework for addressing the challenges of globalization. It is best suited to bringing together all stakeholders in partnership for development, including bilateral, multilateral, regional and interregional actors as well as the private sector and civil society, and to creating synergies and cooperation in support of the development objectives of developing countries and countries with economies in transition. The Economic and Social Council should take on a more prominent role in sustainable development and economic cooperation.

III. Summary of the plenary debate

16. The two-day high-level dialogue on the overall theme of "Responding to globalization: facilitating the integration of developing countries into the world economy in the twenty-first century" opened with statements by the President of the General Assembly and the Deputy Secretary-General, followed by 46 speakers, including deputy ministers and high-level officials. At the closing meeting, the rapporteurs of the two ministerial round tables-cum-informal panels presented the salient points and main issues discussed during these events, and the President of the Assembly presented his oral summary of the high-level dialogue.

17. In his opening remarks, the President considered that the high-level dialogue provided an invaluable opportunity for an open and constructive exchange of views on ways for ensuring that globalization became a positive force for all. He identified some of the main features of globalization, including the growing development gaps among and within countries, and the need for the international community to address the legitimate concerns of developing countries which had so far been unable to enjoy the full benefits of globalization. With regard to the first sub-theme, he noted the urgency of addressing the question of financing for development in respect of the implementation of the goals and targets that had emanated from the global conferences and summits convened by the United Nations in the 1990s, as well as from the United Nations Millennium Declaration, adopted by the General Assembly in its resolution 55/2 of 8 September 2000. The Declaration's goal of reducing by half the number of people living in poverty by 2015 should be the overriding goal of the dialogue, and of the entire fifty-sixth session of the Assembly. The second sub-theme focused on the pivotal role that ICT played in the emerging global knowledge-based economy. ICT could be a powerful tool in the economic and social development of developing countries, thus making it imperative to close the digital divide. The ICT Task Force and the World Summit on the Information Society, to be convened by the International Telecommunication Union (ITU) in 2003 and 2005, were characterized by multi-stakeholder participation. While Governments had the primary responsibility for promoting the well-being of their people, the complex problems of development at a time of globalization required the active participation of all stakeholders in surmounting obstacles and finding solutions to the challenges ahead.

18. The Deputy Secretary-General invited the gathering to advance the international community's understanding of the potential and challenges of

globalization by stressing partnership and mutual benefit, and to generate ideas for the longer-term global effort to promote development. It should also assess progress made in reducing poverty which had been identified as one of the most urgent challenges of the new century in events such as the Millennium Assembly of the United Nations, the Third United Nations Conference on the Least Developed Countries and the recent substantive sessions of the Economic and Social Council. This required revival of global economic growth, in a sustainable and more equitable manner, coupled with open markets and technical assistance for developing countries, and the removal of barriers to free exchange and investment within the developing world. To that end, the opportunity of the meeting of the World Trade Organization in Qatar should be seized, inter alia, by fully implementing the commitments undertaken in the Uruguay Round of multilateral trade negotiations and by launching a true "Development Round" of new trade talks. With regard to the topics of the high-level dialogue, ideas for financing development, including those proposed by the Zedillo Panel (see the report of the High-level Panel on Financing for Development (A/55/1000)), should be discussed. The dialogue, as well as the ICT Task Force, should come up with recommendations for practical policies to bridge the global digital divide and foster digital opportunities for all.

19. The participants expressed their views on the key issues outlined below. They also made a number of proposals for possible further steps to address them.

20. Globalization was widely seen as a reality that must be accepted. It is in part driven by the recent fast-paced innovations in ICT and the related emergence of a global knowledged-based economy and of new opportunities for economic growth and sustainable development. Globalization is also leading to a borderless world resulting in decreasing restrictions in the movement of trade and investment and a sharp increase in their volume. While globalization is potentially a positive force, its effects are unequally distributed, with developed countries reaping more of the benefits. It is the responsibility of the international community to "humanize" globalization and to ensure that its benefits are shared by all. An international dialogue on financing for development, inter alia, on trade, debt, private capital flows and ODA, as well as on access of developing countries to ICT, is needed more than ever in order to bridge the gap between developed and developing countries. Actions in these areas are urgently needed in order to meet the targets for development and poverty eradication set out in the outcomes of the global conferences and summits of the 1990s, and in the United Nations Millennium Declaration, the recognized framework for international development cooperation. This should be pursued through improved North-South, as well as South-South cooperation.

21. The integration of developing countries into the global economy requires a collective effort of all stakeholders, including Governments, the United Nations system, the Bretton Woods institutions, the World Trade Organization, the private sector and civil society. Bridges should be built in the political, economic, financial, commercial, technical and social realm, and institutions should be strengthened at all levels, to facilitate such integration in a just and equitable process. The upcoming International Conference on Financing for Development, to be held in Monterrey, Mexico, in 2002, presents a unique opportunity to make concrete advances and significant improvements in the growth and development prospects of developing countries. Greater coherence among ODA, debt relief and trade policies would increase their effectiveness.

22. The capacities for successful integration into the global economy differed among certain groups of developing countries, requiring a differentiated approach. At the same time, developing countries share similar concerns, leading to a convergence of policy prescriptions as a result. A number of participants described national experiences with and responses to globalization. While recognizing the specificity of country circumstances, lessons could be drawn from these in defining new development strategies more consistent with the challenges of globalization. Emphasis was placed on the need for country-driven strategies for development.

23. Unfettered access to the markets of developed countries is a critical first step in promoting the successful integration of developing countries in the global economy and reducing poverty. Yet difficulties persist for developing countries in gaining meaningful market access in key sectors of comparative advantage, such as textiles and agriculture. Several delegates asserted that, since trade played a crucial role in development, the upcoming World Trade Organization Ministerial Conference in Qatar needed to launch a

Development Round to focus on market access and capacity-building for trade expansion. They stressed that such a new round should also address issues such as tariff peaks and tariff escalation, and the abuse of anti-dumping measures and of subsidies. For developing countries to benefit from the expanding trend in global trade, developed countries should broaden access to their markets, adopt preferential tariffs, especially in favour of least developed countries, and strengthen capacity-building and technical assistance in trade. This should include assistance towards full participation in and benefit from the World Trade Organization. Developed countries could contribute to this both through the Integrated Framework for Trade-related Technical Assistance for Least Developed Countries and through their bilateral ODA. Support by the international community for strengthened regional arrangements and cooperation would enhance developing countries' integration into the world economy.

24. It was generally agreed that resources for development were inadequate, requiring new and innovative strategies to attract resources to finance development. At the same time, ODA remains an important source for development, particularly for the least developed countries. Steps are therefore urgently needed to reverse the decline in ODA volumes and to reach the target of 0.7 per cent of gross national product (GNP) of developed countries. Promoting aid effectiveness and efficiency, as well as harmonization and simplification of operational procedures of international financial flows, is essential to achieving agreed development goals and could contribute to an increase in ODA. One delegation suggested launching a global information and advocacy campaign for raising public awareness in developed countries on the urgency of increasing ODA. Taking into consideration the role of the United Nations in the implementation of the development goals, one delegation suggested giving consideration to assessing contributions for United Nations operational activities. Another delegation underlined the desirability of the creation of a dedicated pool of international financing for the development of infrastructure in least developed countries.

25. Private capital flows have a critical role in increasing productive capacity and modernizing infrastructure. The creation of an enabling environment is necessary to attract productive investment, both domestic and foreign. This includes the peaceful resolution of conflicts and the promotion of democratic values, along with sound and transparent domestic governance. Appropriate mechanisms are needed to deal with short-term volatility, including sudden capital flight. Steps to enhance transparency and accountability in the international financial system are called for in order to provide better mechanisms for crisis management and to promote a predictable and stable climate to support the development and growth strategies of developing countries. In addition, confidence in domestic policies is particularly important for the mobilization of financing for development, including retaining private capital in-country for productive investments and as a source of much-needed tax revenue for the public sector. This will require steps to encourage savings and improve legal protection and non-discrimination provisions while also focusing on fighting corruption. International legal instruments against corruption and for the repatriation of the proceeds of illicit origin should be adopted. In addition, corporate governance should be enhanced, particularly through the wide dissemination of detailed international accounting standards and competition law.

26. A more coherent, comprehensive, equitable and effective debt-relief strategy remains to be achieved. While the enhanced Highly Indebted Poor Countries (HIPC) Initiative is a positive development, even deeper, broader and expeditious debt relief is needed for these countries to make significant progress towards reducing poverty and putting in place the conditions to make them competitive in the new global economy. Many speakers stressed that beyond the enhanced HIPC Initiative, effective and coherent debt policies to ensure future debt sustainability need to be devised. They also asserted that the debt of middle-income developing countries also needed urgent attention. In the context of the Poverty Reduction Strategy Papers (PRSPs), one delegation recommended that such policies reflect recognition of the need for debtor countries to achieve growth rates of 7-8 per cent per annum. A few countries also called for debt cancellation for African countries.

27. In order to promote a more equitable distribution of the benefits of globalization, the adequate representation and broad and meaningful participation of developing countries in international economic decision-making and norm-setting should be realized.

Relations between rich and poor countries remain asymmetric, leading to an uneven playing field. As a consequence, liberalization in sectors such as trade and investment occurs at a faster pace, while progress is lagging in areas of particular interest to developing countries, such as technology flows, intellectual property rights, and the free movement of labour.

28. The current phase of globalization is shaped by the fact that knowledge is a source of competitive advantage. ICT could be a powerful tool for economic and social development by opening up new avenues for trade, commerce and employment, and by reducing production and transaction costs. Improved access to ICT would lead to progress in integrating developing countries into the world economy in an effective and expeditious manner.

29. Delegations from developing countries stressed the importance of the transfer of technologies, including ICT, to developing countries in enhancing their capacity and assisting them in being integrated into the global economy. Some other delegations placed emphasis on the need to protect intellectual property rights to encourage innovation and development of new technologies.

30. At the same time, the growing digital divide could undermine the development potential of developing countries. Lack of ICT infrastructure, including adequate power supply and modern telecommunications systems, and lack of technological skills to utilize, support and administer information technology facilities, are factors that contribute to the digital divide. High rates of illiteracy, especially in the least developed and a number of other countries, also represent an enormous obstacle to rapidly increasing their access to and use of ICT. The focus should therefore be on universal connectivity by providing accessible and affordable service for all, through both a community-based approach and provision of public access points, as well as through a market-based approach and competition. Partnerships between the private and public sectors are vital in this area. Local content should also be promoted, inter alia, through the introduction of local language character sets. In turn, bold policies for developing human resources and institutional capacity are necessary to attract investment for the promotion of infrastructure and local content. ICT have great potential as a tool for improving governance, education and health; for reaching isolated communities, such as the rural poor; and for increasing business opportunities, for example, for small- and medium-sized enterprises. The use of ODA to build ICT infrastructure in the least developed countries, in particular, also needs to be addressed.

31. Intergovernmental cooperation should be pursued on issues such as copyright, computer security, electronic trading standards, legal and tax questions. Policies are urgently needed to cope with the rising incidence of cybercrimes and other associated illegal activities.

32. The United Nations, especially through the ICT Task Force, and other international and multilateral institutions, including the Bretton Woods institutions, as well as regional banks, have a vital role in supporting the integration of developing countries into global information networks. The World Summit on the Information Society will be an opportunity for addressing many of these issues in a comprehensive manner. Some delegations supported the rapid development, at the intergovernmental level, of provisions to govern the cooperation between the United Nations system and the private sector. Several delegations suggested that the General Assembly should explore ways and means to contribute to the successful preparation of the Summit and its preparatory process. One delegation suggested that a special meeting could be held on "ICT for development" to address the digital divide and to give impetus to the work of the ICT Task Force.

33. The United Nations can play an important role in promoting public awareness of the wider applications of information technology for development and poverty eradication in developing countries. In doing so, it should strive for greater coherence and consistency in its activities in the field of information technology. The United Nations should pay particular attention to assisting Africa and the least developed countries in putting in place the necessary infrastructure and building capacity to process and use information, thereby helping them to benefit from the advances in ICT. The functional commissions of the Economic and Social Council should be important actors in promoting policy coherence and enhancing the integration of developing countries in the emerging global information network through ICT.

IV. Summary of the ministerial round tables-cum-informal panels

34. Two ministerial round tables-cum-informal panels were held on 20 September. The first covered the theme "Promoting the integration of developing countries into the world economy and generating new public and private financing resources to complement development efforts". It focused on ideas and proposals put forward in the context of the financing for development process, inter alia, in the report of the High-level Panel on Financing for Development (see A/55/1000), and on practical steps to increase financing resources. The event was introduced by a panel consisting of Mr. Nitin Desai, Under-Secretary-General for Economic and Social Affairs; Mr. John Williamson, Senior Fellow, Institute for International Economics, Washington, D.C.; and Mr. Irfan ul Haque, Consultant to the Intergovernmental Group of Twenty-four (G-24). The panel was chaired by Mr. Dumisani Kumalo, Permanent Representative of South Africa to the United Nations. Mr. Ion Botnaru, Permanent Representative of the Republic of Moldova to the United Nations, served as Rapporteur.

35. The second event was on the theme "Enhancing the integration of developing countries in the emerging global information network: facilitating access to information and communication technology for developing countries", and focused on what needed to be done to ensure that ICT served as a tool for development. The event was introduced by a panel consisting of Mr. Salomão Manhiça, Executive Secretary of the ICT Policy Commission of Mozambique; Professor Swasti Mitter, University of Sussex, United Kingdom of Great Britain and Northern Ireland; and Mr. Pekka Tarjanne, former Secretary-General of ITU. The panel was chaired by Mr. Elias Gounaris, Permanent Representative of Greece to the United Nations. Mr. Eladio Loizaga, Permanent Representative of Paraguay to the United Nations, served as Rapporteur.

36. Some speakers in both round tables-cum-informal panels drew links between the topics under discussion and the tragic events of 11 September. They underscored the degree of interdependence in the international community as they showed that "someone else's poverty very soon becomes one's own problem", and could result in fanaticism and terrorism. Speakers strongly underscored the need to not let these events undermine the financing for development process. The events of 11 September were a painful reminder of the opportunities and risks involved in the networked, interlinked world, and highlighted the need to ensure that technology was used not against humanity but for the benefit of all.

37. Both round tables-cum-informal panels resulted in a fruitful and productive exchange of views and ideas. The salient points are summarized below.

A. Round table-cum-informal panel (a)

38. The financing for development process is an opportunity to answer the open question how to finance the public policy interventions called for in the comprehensive development agenda developed by the United Nations in the 1990s through the global conferences. At the same time, it is an opportunity for joining the larger development debate with that on reform of the international financial architecture. The Asian financial crisis had given a clear impetus to the latter, as concerns about the social and environmental consequences of financial crises gained new prominence. Furthermore, this process was also an opportunity to pursue the achievement of the international development goals adopted at the Millennium Summit of the United Nations, especially by developing countries. This will require an increase in aid on the part of donor countries. In order to preserve the credibility of the international community, it is essential for the financing for development process to go beyond already existing agreements. Speakers noted the unprecedented level of cooperation among the entities of the United Nations system, in particular the World Bank and the International Monetary Fund (IMF) as well as the World Trade Organization, in preparing for the Conference. The process is also unique in engaging all the stakeholders, including the private sector.

39. One panellist suggested a number of reasons for the need for official resource transfers. Globalization was leading to a widening income gap between rich and poor countries, and the benefits that these two groups received were uneven. Further reasons were the selectivity of private capital, and the need to finance the international development targets and global public goods. Within the financing for development process, a clearer picture on the extent, type and quantity of

existing flows, and their use for productive purposes should be sought.

40. Since global financial crises remain a threat to the task of promoting development, coordinated action is needed in the short term to reduce the risk of a crisis and to respond to it. Great progress has been made in recent years in improving the financial infrastructure, especially at the national level. However, much still needs to be done on broader institutional reforms. Speakers acknowledged the need, as well as the difficulties in respect of finding ways to involve the private sector in financial crises management.

41. Long-term aspects, such as macroeconomic interdependence, and potential contagion effects, also need to be addressed. Rapid developments in the global economy have led to a democratic deficit in economic governance structures, requiring new rules and institutions. In particular, participation of developing countries in international decision-making processes needs to be enhanced. While some progress has been made in this regard, as reflected, for example, by the annual meeting of the Economic and Social Council with the Bretton Woods institutions and the consultations of the Organisation for Economic Cooperation and Development (OECD) with emerging economies, further steps are needed. Some speakers recalled that the Zedillo Panel had proposed the creation of an apex economic institution to address economic polarization and economic insecurity.

42. The financing for development process has highlighted the need and created the groundwork for a renewed commitment to increased international cooperation to improve financing for development opportunities. Speakers discussed proposals for collecting an international tax, such as a currency transactions tax ("Tobin tax") or a "carbon tax" on the consumption of fossil fuel, as recommended in the Zedillo Panel report. They raised the question whether a carbon tax was in contradiction with, complementary to, or incompatible with the objective of reducing the consumption of fossil energy, and, more broadly, whether such a tax was compatible with the Kyoto Protocol[2] to the United Nations Framework Convention on Climate Change.[3] In addition, the possibility of creating an international tax organization, directed towards fiscal harmonization and cooperation, was mentioned.

43. Speakers also highlighted the impact of trade on financing for development. Terms of trade directly affect the level of resources generated from export earnings, particularly for developing countries that depend on commodities. Earnings from trade also constitute a significant contribution to domestic development efforts. Trade also encourages the productive use of economic resources. The trade dimension is rightly included in the financing for development process, and deemed of particular importance with respect to moving forward in the context of the forthcoming Ministerial Conference of the World Trade Organization in Doha, Qatar.

44. ODA remains an important issue for discussion in the financing for development process, including the quantity and quality of aid, and clarity about sectors in which to invest aid as well as a more efficient use of aid by recipient countries. In respect of ODA, the "common pool proposal", endorsed by the Zedillo Panel, which aims at curbing the increasingly unmanageable transaction costs involved in receiving aid, was discussed. The proposal envisages that potential aid recipients would elaborate their own development strategies, primarily in consultation with their population, and present their plans to donors for funding. National ownership of development strategies would thus take priority over donor conditionality. The New African Initiative already reflects this approach. Reducing high transaction costs would increase available aid substantially and is considered a practical step that could be taken in the financing for development process. Public-private partnerships, such as channelling aid through non-governmental organizations, were also presented as examples of ways to lower transaction costs and increase returns.

45. The efficiency of current debt-relief mechanisms was discussed. There is a need to go beyond the HIPC Initiative and to put in place a more transparent and fair system. One panellist emphasized the need to ensure respect for debtors' rights, for example, through an independent adjudication process for determining settlement terms. Debt sustainability is an important objective, as debt relief has to ensure real transfer of resources to indebted countries for poverty reduction.

46. The subjects of the role of the State and the issue of governance were discussed. Notwithstanding the increasing role of many actors and stakeholders in development and the holding of a discussion concerning the role of the State, a number of areas

continue to be the responsibility of the public sector, such as the provision of public goods, social services and prevention and management of crises. Thus, a mixture of public and private sector action was called for.

47. With regard to mobilizing domestic resources for development in developing countries, a number of proposals were mentioned. The Zedillo Panel, for example, had pointed to the value of funded, defined-contribution pension schemes to increase savings, which could be managed either in the public or in the private sector.

48. The financing for development process also needs to take into account various dimensions of the situation in countries in need. For example, conflicts and disasters have led to a "decapitalization" in those countries where the human and financial capital has been destroyed. Recapitalizing credit institutions is an important endeavour with respect to ensuring availability of resources in post-conflict and other countries.

B. Round table-cum-informal panel (b)

49. Today, globalization is driven by ICT that expedite the flow of information across national boundaries. Owing to the advancement of technology and improved accessibility through lower costs and increased user-friendliness, new opportunities have emerged for promoting development through greater access to markets and better access to knowledge in areas such as health and human resource development. ICT policies must be considered in the broader context of development, through a comprehensive and holistic approach, as ICT cannot be seen as a panacea for all development problems and challenges.

50. The challenges and constraints in respect of bridging the digital divide, particularly for developing countries, remain enormous. The lack of infrastructure, an inadequate regulatory environment, the high cost of access and the lack of human resources remain serious constraints on promoting accessibility and connectivity in developing countries, particularly in rural areas. In this regard, the problem of infrastructure could be overcome through the adoption of relevant technology, the lowering of costs, the collective use of facilities and the creation of an enabling environment for ICT-related investment. Creative solutions could be sought with respect to "leapfrogging" stages of development by adopting technologies (for example, wireless technology, mobile generators, solar energy) that compensate for the lack of "traditional" infrastructure, particularly in remote areas. Common facilities such as cyber-cafes and telecentres could be set up to achieve universal access. Innovative financing initiatives could help bring down the cost of Internet services.

51. With regard to human resources, the issue of brain drain — which could also be seen as mechanism for technology transfer — needs to be further addressed. Several speakers stressed the diversity of situations in developing countries as regards ICT, and expressed their belief that, for many developing countries, basic needs such as education and health must be addressed on a priority basis in order for ICT to become meaningful. Education and training relevant skills were necessary to facilitate an effective transfer of knowledge. A more comprehensive approach that integrated ICT into a new development paradigm was needed. Several speakers underscored the need to view affordable access to information and knowledge as a fundamental human right.

52. Gender aspects must be addressed in the context of ICT and development, as the impact of ICT is not gender-neutral. It is important to ensure that women have equal access to the infrastructure, education and training related to ICT, and that new modes of working made available by ICT such as teleworking are explored with a view to enabling new possibilities for participation, particularly by women in the economy.

53. Development of local contents remains a great challenge not only in terms of language but also in the social, historical and cultural context. It is important to respect social and technical pluralities and to avoid a "one size fits all" approach in identifying effective entry points for developing countries into the globalized digital economy.

54. The possibility of replicating the success of low-wage countries in taking advantage of the information-processing work outsourced by transnational companies could be examined by other developing countries. In this regard, many noted that South-South cooperation, supported by donors in the field of finance and technology, could be helpful.

55. The role of the State is vital in creating an enabling environment for a knowledge-based economy, in particular in establishing an appropriate regulatory

environment, as well as ensuring affordable access to ICT for those who cannot register their needs and preferences adequately through the market mechanism.

56. ICT has the potential to reduce inequities on national and international levels through collaboration and genuine partnership among all stakeholders — policy makers, non-governmental organizations and the private sector. The example of Mozambique as presented by one of the panellists illustrated the importance of national-level cooperation among stakeholders in formulating and implementing national ICT strategies for development.

57. The involvement of non-governmental organizations could help ensure that the developing countries acquire technologies that are relevant to the needs of the target beneficiaries. Cooperation with academics and professionals in the fields of social science, science and technology is necessary to ensure that research and development in ICT are adapted to meet the requirements, and match the resource base, of developing countries.

58. While the issue of digital divide had been addressed by ITU since the mid-1980s, the United Nations as a whole started its efforts in the 1990s. On the whole, developing countries made significant progress in the ICT area; but the least developed countries and Africa were left behind. Regional and international efforts, such as the African Information Society Initiative and the New African Initiative, should be supported and further encouraged to ensure that the digital divide does not widen. The United Nations system, including the Bretton Woods institutions, must play a critical role in promoting coherence and cooperation at the international level and continue to provide assistance to developing countries based on the needs and capacity of each country.

59. Many speakers voiced their hopes that the ICT Task Force, created by the Secretary-General, would make a tangible difference for people on the ground through its efforts to bridge the digital divide on the basis of facilitating partnerships among Governments, non-governmental organizations, the private sector and the international community. In this regard, a proposal was made for the establishment of an ICT Trust Fund to support these activities.

Notes

[1] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992*, vol. I, *Resolutions Adopted by the Conference* (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex II.

[2] FCCC/CP/1997/7/Add.1, decision 1/CP.3, annex.

[3] United Nations, *Treaty Series*, vol. 1771, No. 30822.